

## CHAPTER 6 – ADULT CLASSIFICATION

### ARTICLE 1 — RECEPTION CENTERS

*Revised July 26, 2004*

#### **61010.1 Policy**

Penal Code (PC) § 2900 provides that defendants sentenced to state prison shall be delivered to the custody of the Secretary at the place designated by the Secretary to serve the term of imprisonment ordered by the court.

#### **61010.2 Purpose**

This Section establishes standard procedures for the orderly reception, processing, and transfer of inmates into the California Department of Corrections' and Rehabilitation (CDCR) institutions.

#### **61010.3 Reception Center (RC) Processing**

CIM, CCI, DVI, HDSP, NKSP, RJD, SQ, and WSP are designated to receive and process male felons committed to the jurisdiction of the CDCR.

CIW, CCWF, and VSPW are designated to receive and process all female felons committed to the CDCR.

##### **Reception of Condemned Males**

Condemned male inmates shall be received and housed at SQ.

##### **Reception of Condemned Females**

Condemned female inmates shall be received and housed at CCWF.

##### **Reception of Civil Addicts**

Female and male civil addict commitments shall be received at CRC and processed in accordance with the Board of Parole Hearings procedures.

#### **61010.4 RC Processing Staff - Responsibility**

RC staff shall collect social and criminal history information on each inmate received by the CDCR as well as interview and test all newly received inmates.

##### **Social History/Staff Reports**

The counselor shall complete an Institutional Staff Recommendation Summary (ISRS) or CDC Form 816, CDC Form 812, CDC Form 839, or CDC Form 840, or CDC Form 841, and the Social Factor Sheet, all of which are explained in detail in DOM §§ 61010, 61020, and 61030.

##### **Institution Gang Investigator (IGI) Referral**

The counselor, in conjunction with the IGI, shall also complete a CDC Form 812-A, Notice of Critical Information - Prison Gang Identification, as required.

##### **Prison Gang Involvement**

Inmates shall be advised that any involvement with a prison gang may result in segregated housing placement.

##### **United States Immigration and Naturalization Service (USINS) Referral**

The counselor shall refer all inmates, including parole violators, who are foreign born, to the USINS for deportation hold determination by completing a CDC Form 850, Detainer Summary.

##### **Psychiatric/Medical Referral**

Inmates shall be referred to psychiatric and medical staff as necessary for diagnosis, treatment, or recommendations.

##### **Inmate Orientation**

RC processing provides the inmate with an orientation to prison life, introduction to available programs, and initial preparation for release.

#### **61010.5 Notification of Rules and Available Programs**

Within 14 days of arrival at an RC, inmates shall be furnished written information concerning program availability for reduction of sentences as required by PC § 2930. Inmates shall be issued a current copy of the California Code of Regulations (CCR) and treatment programs available at each institution.

#### **61010.5.1 Documentation in C-File CDC Form 128-O**

Each inmate shall sign a CDC Form 128-O, Chrono-Document Receipt, indicating receipt of notification of rules and available programs. A copy of the signed CDC Form 128-O shall be placed in each inmate's C-file.

#### **61010.6 Withdrawal of Inmate Trust Funds**

Counselors involved in the processing of initial commitments to the CDCR and the readmission processing of parole violators or persons returned to the CDCR shall determine if the inmate has or anticipates any outstanding debts or other financial obligations, which may require funds be withdrawn from their trust account for transmittal to any business, agency, or individual. This does not include withdrawals for purchases or for other payments/reimbursements to the CDCR, nor does it include any debt or

financial obligation, which will be met for the inmate by other means. A summary of this determination shall be noted on the CDC Form 825, Trust Withdrawal Case Information.

#### **61010.7 RC Transfers**

##### **General**

Transfers from the RCs shall be based on the recommendations of the counselor and supervising counselor or classification committees subject to Classification Staff Representative (CSR) approval.

#### **61010.8 CDC Form 839, 840, and 841**

Classification and reclassification of inmates will normally be made pursuant to the CDCR Inmate Classification Score System, except when in the exercise of the discretion and judgment of departmental officials it is deemed necessary to deviate from that classification score system. Deviations from the system shall be made on an individual case for the purpose of ensuring the safety of inmate(s), correctional personnel, and the general public as well as for special institutional and/or programming needs.

##### **61010.8.1 When to Use the CDC Form 839**

###### **Processing Newly Received Felon Inmates**

All felon inmates who are newly received in the CDCR shall be scored on a CDC Form 839. An inmate who has served a prior term in the CDCR, but whose commitment is subsequently discharged, shall be processed as a newly received felon inmate. Parole Violators will not be scored on the CDC Form 839. Parole Violators Returned to Custody (PVRTC) and Parole Violators With a New Term (PVWNT) will be scored on the CDC Form 841.

###### **Processing Adverse and Non-Adverse Transfer Cases from California Youth Authority (CYA)**

A newly received felon inmate who arrives directly from DJJ/CYA placement to a CDCR RC, either because the inmate has reached the maximum age allowed to remain housed in CYA or the inmate was moved to CDCR as a "program failure" and/or received a felony commitment while housed in CYA, shall be processed with both a CDC Form 839 and a CDC Form 840. The date of arrival in CYA shall be recorded as the Date Received CDC. The CDC Form 839 shall then be prepared as it would have been prepared at the time that the inmate arrived in CYA. A CDC Form 840 shall then be prepared which records the inmate's positive and negative behavior while incarcerated in CYA. An ISRS shall also be prepared.

###### **Processing CYA Parolees Sentenced to State Prison**

An inmate who receives a sentence to state prison while on CYA Parole shall be handled as a newly received felon inmate. The Date Received CDC shall be recorded as the actual date received in the CDCR RC. A CDC Form 839 shall be prepared. Documented CYA behavior shall be recorded as Prior Incarceration Behavior.

###### **Processing Civil Addict Commitments Excluded from the California Rehabilitation Center (CRC)**

An inmate who has been excluded from the Civil Addict Program shall be processed as a newly received felon inmate. The Date Received CDC shall be recorded as the actual date received in the CDCR RC. A CDC Form 839 shall be prepared. Evaluate any serious in-custody disciplinary behavior that occurred during the inmate's Civil Addict commitment for documentation in the Prior Incarceration Behavior section of the CDC Form 839.

###### **Processing Interstate, Federal, and International Placements received from other jurisdictions**

SACCO (Sacramento Central Office) Cases

- A SACCO case is one of the following:
  - An inmate who was sentenced to serve a prison term in California, but is serving a concurrent or consecutive term in a facility in another jurisdiction; or
  - An inmate who served time in a county jail was, sentenced to serve a prison term in California, and was released before being transferred to an RC to undergo processing because the time served in county jail was equal to or exceeded the prison sentence at the time of sentencing.
- Processing SACCO cases returned to the CDCR from another agency.
- SACCO cases with a CDC Form 839.

A SACCO case who was processed through a CDCR RC and has had a CDC Form 839 prepared prior to transfer to another federal or state agency and who is returned from the other agency to finish the term imposed by California, shall have a CDC Form 840 prepared to update the inmate's Placement Score. The CDC Form 840 shall reflect the adjustment to incarceration while housed in the other jurisdiction. An ISRS shall also be prepared.

- SACCO cases without a CDC Form 839.

A SACCO case who was not processed through an RC, but who subsequently returned to California to finish his or her term, shall have both a CDC Form 839 and a CDC Form 840 prepared. The Date Received CDC on the CDC Form 839 shall be the date that is reflected on the CDC Form 112 or the Legal Status Summary. A CDC Form 840 shall also be prepared to update the inmate's placement score to reflect the inmate's adjustment to incarceration while housed in the other jurisdiction. An ISRS shall also be prepared.

- Processing SACCO cases returned from parole.

If a SACCO case, who served time in a county jail or another jurisdiction, was released to parole and then returned to prison as a Parole Violator or a Parole Violator with a New Term, a CDC Form 839 and a CDC Form 841 shall both be prepared. The Date Received CDC recorded on the CDC Form 839 shall be the date indicated on the CDC Form 112 or the Legal Status Summary. The Date Received This Incarceration, recorded on the CDC Form 841, shall be the date of arrival at the RC. The CDC Form 841 shall be prepared to update the inmate's placement score. This score sheet shall include the inmate's adjustment to incarceration while housed in the other jurisdiction as well as record any changes in term points. The Date Paroled is the date that the inmate paroled from the CDCR term. An ISRS shall also be prepared.

#### **Western Interstate Corrections Compact (WICC) and Interstate Corrections Compact (ICC) Cases**

A WICC/ICC case may be either a California inmate serving a term as a boarder in another state or federal jurisdiction or an inmate who is being boarded in California, but serving a term imposed by another state or federal jurisdiction.

- WICC/ICC cases arriving at an RC in California from another jurisdiction.

WICC/ICC cases arriving at an RC in California from another jurisdiction shall have a CDC Form 839 prepared during RC processing. The date that the inmate arrived in the CDCR RC shall be recorded as the Date Received CDC. Positive or negative behavior exhibited in the previous jurisdiction shall be recorded on the CDC Form 839 under "Prior Incarceration Behavior." An ISRS shall also be prepared.

- WICC/ICC cases returned to California.

When a California felon inmate serving a term as a boarder in another state or federal jurisdiction is returned to California, designated staff shall prepare a CDC Form 839. The date of the inmate's original "term starts" date as noted on the Legal Status Summary shall be recorded as the Date Received CDC. A CDC Form 840 shall be prepared to update the inmate's Placement Score based on the inmate's adjustment to incarceration in the other jurisdiction. An ISRS shall also be prepared.

If the inmate had been released to parole and has since returned to the RC, a CDC Form 841 shall be prepared instead of a CDC Form 840. The inmate's previous incarceration behavior and program shall be documented on an ISRS.

- Family Foundations Program (FFP) Program Failures and FFP Cases Returned from Parole.

The Family Foundations Program is an alternative sentencing program for pregnant or parenting women sentenced to state prison with children under the age of six. Under the authority of Penal Code § 1174.4, the Court may impose a state prison sentence with the recommendation that the defendant participate in the program. A female inmate who is sentenced to state prison by the court and subsequently accepted for the Family Foundations Program is not received at a reception center. The inmate is transferred from the county jail directly to the program. Although the inmate is issued a CDC number, a score sheet is not prepared for these inmates. Participation in the program is voluntary and the expectation is that the female inmate will complete the 12-month program prior to release back to the community.

A program failure at the FFP will result in the inmate being transferred to a CDCR reception center to serve the remainder of her original sentence.

- Processing FFP Inmates Received at a Reception Center as program failures.
  - The inmate shall undergo reception center processing in the CDCR.
  - A CDC Form 839, Classification Score Sheet, shall be prepared.
  - The date that the inmate was received at the FFP shall be entered as the Date Received CDC on the CDC Form 839.
  - A CDC Form 840 shall also be prepared to reflect the inmate's adjustment to the FFP when favorable behavior points or unfavorable behavior points need to be recorded.

- Processing FFP Inmates Received at the Reception Center as Parole Violators.
  - An inmate who was released to parole from the FFP, but returned to prison as a parole violator, shall have both a CDC Form 839 and a CDC Form 841 prepared.
  - The date that the inmate was initially received at the FFP shall be entered as the Date Received CDC on the CDC Form 839.
  - The date that the inmate was returned to the reception center shall be entered as the Date Received This Incarceration on the CDC Form 841.
  - Favorable and/or Unfavorable Behavior points for the period in FFP until parole shall be recorded on the CDC Form 841.

#### **61010.8.2 When to use the CDC Form 840**

The CDC Form 840 shall be completed as part of the regular reclassification process. It is intended to provide a cumulative record of the inmate's institutional adjustment and changes in case factors. A CDC Form 840 shall also be completed on each of the following:

- An escapee.
- A Community Correctional Reentry Center (CCRC) failure.

Refer to DOM § 61020.19 for instructions to complete the CDC Form 840.

#### **61010.8.3 When to use the CDC Form 841**

The CDC Form 841 is prepared when an inmate's parole status has been revoked, the inmate has been returned from parole to a reception center, and the parole period has been suspended. A CDC Form 841 shall also be completed for an inmate whose parole is lawfully revoked because he/she refused to sign conditions of parole. If the inmate is not physically paroled to the community, the inmate's status shows that he/she has been paroled, revoked, and returned the same day.

A CDC Form 841 shall not be completed for any of the following cases:

- An inmate returned to the CDCR, but then Continued On Parole (COP) by the BPH.
- A parolee who was revoked by the BPH, but not returned to the CDCR.
- An inmate who has been returned to the CDCR from parole, but is still considered a "parolee." Examples of these situations are a SATCU case returned for drug treatment/"dry out" or an inmate returned for "psych treatment" only. In these types of situations, the inmate's parole period continues uninterrupted.

Refer to DOM § 61020.20 for instructions to complete the CDC Form 841.

#### **61010.9 Procedures**

##### **The Counselor**

The counselor shall review all relevant documents available during the RC process to complete the score sheet. Since the Placement Score usually determines the institution to which the inmate will be assigned, it is extremely important that the information considered be as complete as possible. The Probation Officer's Report (POR) is the document of choice when information conflicts; the POR is reviewed by legal counsel and the court and contents may be challenged in court.

##### **Inmate Interview**

In the process of completing the CDC Form 839, 840, or 841, the counselor shall interview the inmate. In the interview the inmate shall be informed of the nature and purpose of the CDC Form 839, 840, or 841 and allowed to verbally contest specific score items and other case factors on the form. Documentation for score items that is absent or conflicting shall be discussed during the interview. The inmate shall be responsible for providing documentation to support his or her challenge of information on the CDC Form 839.

##### **Corrections**

Counselors are responsible for initiating a corrected CDC Form 839, 840, or 841 when the inmate or other party presents verifiable documentation, which supports the change. When the change to the score results in a different security level, the inmate shall be referred to the appropriate classification committee and subsequently to a CSR. (Refer to DOM § 61020.20.9 for instructions in the correction process.)

##### **Reflects the Inmates Status at Time of Reception**

The CDC Form 839 score reflects the inmate's status at the time of reception and, apart from correcting errors of fact, remains the same during incarceration. During incarceration the inmate will have opportunity to earn favorable behavior points (documented on CDC Form 840 and CDC Form 841) to lower the total score.

After the counselor has completed the CDC Form 839, 840, or 841 and other case summary material and printed his/her name in the appropriate boxes on the form, the CDC Form 839, 840, or 841 shall be reviewed by the supervising counselor for accuracy and completeness.

#### 61010.9.1 Requesting an Archive File

To ensure accurate classification and appropriate placement of inmates, available information regarding an inmate's prior incarceration is to be reviewed and considered as part of a thorough, objective evaluation of the inmate's security and custody needs. The counselor shall order and review an archive file upon discovery that the inmate has a prior CDCR term, Civil Addict commitment, DJJ, or CYA commitment, which has not been previously reviewed and incorporated into the inmate's current C-file. If the inmate was incarcerated in a federal institution or out-of-state, an attempt shall be made to get a synopsis of the inmate's prior incarceration behavior. (See also DOM § 61020.12.)

#### 61010.10 Distribution of Copies/C-File Placement

The CDC Form 839 shall be temporarily attached to other documents prepared by the RC staff and placed in the classification portion of the C-file when presented to a CSR as described in DOM § 61030. Following CSR action the original shall be permanently placed in the classification section of the C-file, a copy of the CDC Form 839 shall be provided to the inmate. The computer copy shall be reviewed for legibility and computation. Computer copies shall be compiled and mailed weekly to:

Department of Corrections and Rehabilitation  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

#### 61010.11 Instructions for Completing the CDC Form 839

The CDC Form 839 shall be written on a hard surface with ballpoint black ink pen only. Do not use pencil or felt, fiber, or other soft tip pens. This is required so that the printing will come through clearly on the self-carbonized copies. The Information Quality Support Section cannot accept items, which have been erased or marked over to correct because the copies will not be legible. Destroying the erroneous form and completing a new CDC Form 839 shall correct errors detected before copies are distributed.

Key data entry operators read only those letters and numbers which are inside the boxes on the form. Therefore, underlining and notations in the margins are permitted. Do not write more than one letter or number in each box.

##### Right Hand Justified

Numbers are to be right-hand justified; that is, end in the box furthest to the right with any empty boxes on the left. The most common problem is zeros that look like sixes, and vice versa, so take special care making these two numbers.

Except as noted in these instructions, any unused letter or number item is simply to be left blank.

On the CDC Form 839 box numbers appear to the right, but refer to the first box on the left of each field.

#### 61010.11.1 Identifying Information

##### CDC Number (Boxes 1 through 6)

At the bottom of the CDC Form 839, first print the CDC number for the inmate in boxes 1-6 from information obtained from the Legal Status Summary.

Print the letter prefix (such as C, D, or W) in Box 1. Print the numbers in Boxes 2 through 6, always ending in Box 6. Do not enter a letter in the number boxes. Example:

D-27854

D	2	7	8	5	4
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##### Inmate's Last Name (Boxes 7-11)

Print the first eight letters of the inmate's last name using, CAPITAL BLOCK letters. Do not use lowercase or written script letters. Letter boxes are left-hand justified. Begin printing the name in the box furthest to the left and end with any empty boxes on the right. If the name consists of more than eight letters, enter only the first eight letters of the inmate's last name. Although eight boxes are provided on the score sheet, the database captures only the information in Boxes 7-11 or the first five letters entered. For names with less than eight letters, leave empty the remaining boxes to the

right. If the last name is two words, run the words together. Do not leave an empty box in between letters. Example:

Mac Knight

M	A	C	K	N	I	G	H
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#### Date Received CDC (Boxes 12-17)

For newly received felon inmates the Date Received CDC is the date that the inmate physically arrived at the RC. This date is noted on the CDC Form 112 and the Legal Status Summary. Enter this date in the boxes. A zero need not be entered in front of a single digit month or day, but must be entered as part of the two digits for the year when applicable.

Some exceptions to this process are outlined in DOM § 61010.8.1.

#### County of Last Legal Residence (CLLR) (Boxes 18-20)

This information is obtained from the POR, sentencing transcripts, or arrest report. For new commitments, the CLLR is the county of residence prior to incarceration. If the POR identifies that the inmate last resided out-of-state or was a transient prior to his or her commitment, the CLLR shall be the county of commitment. If the inmate transfers to the CDCR to serve a term from another state or federal jurisdiction, use the code "WIC" as the CLLR.

Print the two or three letter OBIS code for the county name in Boxes 18-20.

ALA	Alameda	ORA	Orange
ALP	Alpine	PLA	Placer
AMA	Amador	PLU	Plumas
BUT	Butte	RIV	Riverside
CAL	Calaveras	SAC	Sacramento
CC	Contra Costa	SB	Santa Barbara
COL	Colusa	SBD	San Bernardino
DN	Del Norte	SBT	San Benito
ED	El Dorado	SCL	Santa Clara
FRE	Fresno	SCR	Santa Cruz
GLE	Glenn	SD	San Diego
HUM	Humboldt	SF	San Francisco
IMP	Imperial	SHA	Shasta
INY	Inyo	SIE	Sierra
KER	Kern	SIS	Siskiyou
KIN	Kings	SJ	San Joaquin
LA	Los Angeles	SLO	San Luis Obispo
LAK	Lake	SM	San Mateo
LAS	Lassen	SOL	Solano
MAD	Madera	SON	Sonoma
MAR	Marin	STA	Stanislaus
MEN	Mendocino	SUT	Sutter
MER	Merced	TEH	Tehama
MNO	Mono	TRI	Trinity
MOD	Modoc	TUL	Tulare
MON	Monterey	TUO	Tuolumne
MPA	Mariposa	VEN	Ventura
NAP	Napa	YOL	Yolo
NEV	Nevada	YUB	Yuba

#### Form Identification (Boxes 21-29)

At the top of the CDC Form 839, three blank boxes are labeled "New," "Correction," and "Delete." Place an "X" in the appropriate box.

- Print an X in the "New" box (Box 21) if the inmate is a new felony commitment and has no previous CDC Form 839 for this commitment.
- Print an X in the "Correction" box (Box 22) if the form is being completed as a correction to a previously submitted CDC Form 839. Enter the date of the correction in the boxes provided.
- Print an X in the "Delete" box (Box 29) when a CDC Form 839 was completed for an inmate in error and the document is to be deleted. For example, a PV-RTC was misidentified upon reception as a new commitment and a CDC Form 839 was completed instead of a CDC Form 841.

For more information on the preparation of "correction" and "deletion" documents refer to DOM §§ 61020.20.9 and 61020.20.10.

**61010.11.2 Background Factors**

There are two lines at the beginning of this Section that are identified as the First Arrest Date or Age and the Date of Birth.

Enter the date of the inmate's first arrest or age at first arrest. This information may be on the CI&I, the POR, sentencing transcripts, or provided verbally by the inmate.

- Enter the birthdate found on the Legal Status Summary.

**Age at First Arrest (Boxes 30-31)**

Calculate the inmate's age at first arrest based on the date of the inmate's first arrest. If there is no record of arrests prior to the commitment offense, use the date that the inmate was arrested for the current commitment offense.

If there is a record of the "age" of first arrest, but no date is given, use the age given. If there is a record of the "year" of first arrest, but no date, use the age the inmate would have become during that year.

Age at First Arrest is the record of an arrest regardless of the outcome. A sustained petition or conviction is not required.

- Contact with law enforcement that is noted as "detention only" shall not be considered an arrest.

If during the interview, the inmate voluntarily indicates that he/she was first arrested at a younger age than is documented, use that information, and enter "per inmate" on the CDC Form 839. Document the inmate's statement within the ISRS.

When the Age at First Arrest is determined, drop the months and use the full year, and apply that information to the Age at First Arrest Matrix. Enter the corresponding point value in Boxes 30-31. If the value is zero, enter zero. Enter all single digit numbers in Box 31.

**Age at Reception (Box 32)**

Using the date of birth and the Date Received CDC, calculate the Age at Reception. When the Age at Reception is determined, drop the months and use the full year. Apply that information to the Age at Reception Matrix. Enter the corresponding point value in Box 32. This is always a single digit value. If the value is zero, enter zero.

**Term in Years (Boxes 33-34)**

Enter the number of years of the total term between the brackets provided on the form. The number of years is documented on the Legal Status Summary.

- A sentence of death or life without possibility of parole shall result in a maximum score of 50.
- For sentences of 25 years-to-life for murder (including conspiracy), the base term is 25 years.
- For sentences under PC § 667.7 with a term of life without parole for 20 years, the base term is 20 years.
- For all other life sentences, the base term is 15 years. This includes Third-Strike and non-murder life sentence of 25 to life.
- Any enhancements or determinant terms for other counts or offenses to be served consecutive to a life term shall be added to the base term before calculation of the term score.

Drop the months and use full years.

- Multiply the number of years by two (2) and enter this value in Boxes 33 and 34. Any single digit value is entered in Box 34.
- The maximum number of points for term in years is 50.
- If the sentence is less than one year, enter zero.

If an inmate's term changes during this incarceration, do not prepare a correction to the CDC Form 839. Prepare a CDC Form 840 and complete the Section F #4 "Change in Term Points." Term points shall be based on the inmate's total term as identified on the most current Legal Status Summary.

**Street Gang/Disruptive Group (Boxes 35-38)**

For the purpose of Placement Score evaluation, if available information indicates that the inmate is or has been involved with gang activity; enter six (6) points in Box 35. An inmate's housing preference alone is not indicative of gang activity. Do not assess points unless the Method of Verification Code is one of those listed. "Validation" by an IGI is not required in order to identify and document street gang/disruptive group activity for the purposes of assessing a score on the CDC Form 839.

Points are applied for involvement in street gang/disruptive group activity. Points are not assessed for prison gang membership. Unless there is a record of street gang or disruptive group activity for this inmate, you will not apply points for street gang/disruptive group activity. For example, if the inmate is a member of Nazi Low Riders and demonstrated involvement in the Nazi Low Riders disruptive group or any street gang faction prior to arrival to the CDCR, he is assessed six (6) points for involvement in street gang/disruptive

group activity. Since Nazi Low Riders is also a prison gang, the inmate is also subject to further investigation and potential validation as a member of the Nazi Low Riders prison gang.

**Type of Street Gang/Disruptive Group Codes.** Apply the code that most closely identifies the inmate's street gang/disruptive group. Enter the appropriate alpha codes in Boxes 36-37.

- CR Crip
- BL Blood
- NH Northern Hispanic street gang/disruptive group
- SH Southern Hispanic street gang/disruptive group
- AS Asian street gang/disruptive group
- BD Bulldogs
- WH White Supremacists, Neo Nazi, Skinheads, etc.
- BK Black street gang/disruptive group (not Crip or Blood)
- MC Outlaw Motorcycle Clubs
- OT Other street gang/disruptive group not listed

**Method of Verification Code.** Apply the letter code that is most indicative of the gang activity in Box 38. Use the letter code provided. Indications of street gang or disruptive group activity are:

- Self Admission.
- Tattoos and symbols. Body markings, hand signs, distinctive clothing, graffiti, etc., which have been identified by gang coordinators/investigators as being used by and distinctive to specific gangs.
- Written material. Any material or documents evidencing gang activity such as the membership or enemy lists, constitutions, organizational structures, codes, training material, etc., of specific gangs.
- Photographs. Individual or group photographs with gang connotations such as those, which include insignia, symbols, or validated gang affiliates.
- Staff information. Documentation of staff's visual or audible observations which reasonably indicate gang activity.
- Other agencies. Information evidencing gang activity provided by other agencies. Verbal information from another agency shall be documented by the staff person who receives such information, citing the source and validity of the information.
- Association. Information related to the inmate's association with gang affiliates.
- Offenses. Where the circumstances of an offense evidence gang activity, such as where the offense is between rival gangs, the victim is a verified gang affiliate or the inmate's crime partner is a verified gang affiliate.
- Legal documents. POR or court transcripts evidencing gang activity.
- Communications. Documentation of telephone conversations, mail, notes, or other communication, including coded messages evidencing gang activity.

Do not assess points for an inmate's housing preference. Housing preference alone is not indicative of street gang/disruptive group activity.

**Mental Illness (Boxes 39-43)**

If a CDC Form 128C, Mental Health Placement Chrono, has been prepared in the RC that indicates the inmate is a participant in the Mental Health Services Delivery System (MHSDS), except for those cases that have been designated Medical Necessity, enter four (4) points in Box 43.

If the determination is made after the CDC Form 839 has been prepared and endorsed, but prior to leaving the RC, the CDC Form 839 shall be corrected and the case referred to the CSR on a CDC Form 840 for appropriate housing.

- Determine the Level Of Care (LOC) that has been designated by the RC health care staff on the inmate's CDC Form 128C. Place an "X" in the appropriate box only if 4 points have been entered in Box 43, if not, leave the LOC box blank.
- LOC:
  - Correctional Clinical Case Management System (CCCMS) (Box 39).
  - Enhanced Outpatient Program (EOP) (Box 40).
  - Mental Health Crisis Bed (MHCB) (Box 41).
  - In-patient hospitalization at a Department of Mental Health (DMH) facility (Box 42).

Do not prepare a correction if the inmate continues in the MHSDS, but there is a change to the inmate's LOC prior to transfer from the RC.

#### **Prior Jail or County Juvenile Sentence of 31+ Days (Box 44)**

These items require a review of the POR and the CI&I, CLETS, and FBI Multi State Record in order to identify prior sentences of 31 days or more. A "sentence" is imposed by the court. Incarceration time or time in custody is not considered a "sentence." Apply no more than one (1) point for each category.

- Count any sentence of 31 days or more. Do not count suspended sentences.
- Count any sentence under a delinquency petition which involves a crime rather than "status offender" placements. For example, "beyond parental control" should not be counted. Burglary, however, would be counted.
- Count CDCR placements for diagnostic evaluation (PC § 1203.03 "Z" cases) followed by a grant of probation. In these cases, the inmate is sentenced to county jail, given credit for time served, and released to probation rather than being returned directly back to the CDCR to serve a prison term.

#### **Prior Incarceration(s) (Boxes 45 and 46)**

- CYA, Juvenile State or Federal Level (Box 45)
  - Count placement in state or federal facilities for juvenile offenders.
- CDC, CRC, Adult State, or Federal Level (Box 46)
  - Count any state or federal level incarceration for adult offenders.
  - Count previous commitments to the Civil Addict program.

#### **Total Background Factors Score**

Total the number of points assessed for this Section and place the sum on the line provided.

#### **61010.11.3 Correction to CDC Form 839 Score Sheet (Prior to Rev. 07/02) (Boxes 47-49)**

The Correction to CDC Form 839 Score Sheet area is provided for the purpose of recording any corrections to a CDC Form 839 with a revision date prior to 07/02. Information shall never be recorded in this area when preparing a "New" CDC Form 839 score sheet.

This area is not to be used for changes or adjustments to term points. The Change in Term Points area on the CDC Form 840 continues to be used for all adjustments or corrections to term points.

See DOM §§ 61020.20.9 and 61020.20.10 for instructions in the correction and deletion process.

#### **61010.11.4 Prior Incarceration Behavior (Boxes 50 through 64)**

Prior Incarceration Behavior that meets the definitions below is to be recorded here. For example, behavior while in the county jail awaiting sentencing or during transportation shall be counted. Behavior while incarcerated in other correctional agencies, such as county jail, juvenile hall, federal prison, or Civil Addict commitment incarceration, which meets the criteria, shall also be counted. The behavior must have occurred prior to the inmate's Date Received CDC in order to be counted in the Prior Incarceration Behavior section of the CDC Form 839.

Last 12 Months of Incarceration (Boxes 50 through 52)

Prior Incarceration Behavior "in the last twelve months of incarceration(s)" in any correctional agency shall include the last 12 cumulative months in custody, going as far back as necessary to attain a total of 12 months, prior to the date the inmate was received in the CDCR.

- Twelve months of incarceration is also defined as 360 days.
- For ease of calculation and consistency of rule application, months are considered 30-day months.

Review the Abstract of Judgment (AOJ), CI&I, and POR to identify those periods of prior incarceration. The POR is the document of choice when information conflicts; the POR is reviewed by legal counsel and the court, and contents may be challenged in court. (See DOM § 61010.9.)

The following is a sample case for determining the inmate's "last 12 months of incarceration":

Inmate "X" was received in the CDCR on 5-7-93. She paroled on 10-1-94 and discharged on 11-18-95. She was received again in the CDCR as a new felon commitment on 2-10-03. She spent 120 days in county jail prior to her arrival in the RC.

- The "last 12 months of incarceration" begins on 2-9-03, which is the date prior to the date the inmate was received in the CDCR. She spent 120 day, or 4 months, in the county jail prior to her

arrival in the CDCR. There are 8 months left to account for. Her next period of incarceration ended on 10-1-94, the date she paroled from her previous incarceration. Therefore, beginning on 10-1-94, and counting backwards in time for 8 months, the end of the 12 month period is 2-1-94.

- Using this example, the "last 12 months of incarceration" is all incarcerated time during the period of 2-1-94 through 2-9-03.
- In the Criminal History section of the ISRS, note whether or not the inmate has been incarcerated for a period of 12 months or more.

The application of favorable points or unfavorable points is mutually exclusive. Do not enter values for both Favorable Behavior and Unfavorable Behavior in the last 12 months of incarceration.

#### **Favorable Prior Incarceration Behavior (Box 50)**

Award favorable points in Box 50 according to the following rules of application only if the inmate has had a total of twelve months or more of continuous or cumulative prior incarceration and there is no evidence or documentation of serious disciplinary behavior for which the inmate was found guilty.

If an inmate has been incarcerated for less than 12 months, but there is no evidence or documentation of serious disciplinary behavior for which the inmate was found guilty, leave Box 50 blank.

The information to be used to evaluate the inmate's behavior may be obtained from prison institution records, DJJ/CYA ward files, CDCR archives, serious disciplinarys (CDC Form 115) and similar documents from other correctional agencies. The POR and CI&I shall also be reviewed for any indication of disciplinary problems or positive behavior while incarcerated.

#### **Unfavorable Prior Incarceration Behavior (Boxes 51-52)**

When recording Unfavorable Prior Behavior, the documentation shall establish that the inmate was determined to be guilty of conduct described as a serious disciplinary in the CCR § 3315 within the last 12 months of incarceration. Such behavior may be documented by means other than a CDC Form 115. For example, an assault on another inmate in jail or distribution of any controlled substance in jail may be documented by a report from the sheriff. If the disciplinary problem occurred in the CDCR, it will have been documented on a CDC Form 115.

- Enter the date of each occurrence that is counted as a serious disciplinary in last 12 months of incarceration in the space provided.
- Count the number of serious disciplinarys, or their equivalent, for which the inmate was found or pleaded guilty occurring within the last 12 months of incarceration, multiply by four (4) points and enter the total in Boxes 51-52.
- The maximum number of points that can be assessed for Unfavorable Behavior during the last 12 months of incarceration is 99.

Negative behaviors occurring after the Date Received CDC and during RC processing shall be documented on a CDC Form 840. If a new felon inmate is found guilty of a serious rule violation during reception processing, the behavior shall be documented on a CDC Form 840, not on the CDC Form 839. The CSR shall then endorse the inmate's initial placement on the CDC Form 840. In these cases, the CDC Form 839 shall require no CSR action.

#### **Serious Disciplinary History (Boxes 53-64)**

A single disciplinary problem that occurred in the last 12 months of incarceration and recorded in D,1,b, may also result in the assessment of points in more than one category under D,2, Serious Disciplinary History. For example, if within the inmate's last 12 months of incarceration, the inmate incited a disturbance during which he assaulted another inmate, he shall be assessed points as follows:

- Four (4) points for Unfavorable Prior Incarceration Behavior (Boxes 51-52).
- Four (4) points for a Battery on an Inmate (Boxes 55-56).
- Four (4) points for Inciting a Disturbance (Boxes 61-62).

In addition to considering the content of serious disciplinary behavior that occurred within the last 12 months of incarceration, review all serious disciplinary behavior for which the inmate was found guilty and record that behavior which occurred during any prior incarceration if they meet the definitions below. In other words, the serious disciplinary behavior noted below shall be counted even if it occurred outside of the last 12 months of incarceration. Enter the date of every occurrence that is being counted in the space provided under each item. The maximum number of points that can be assessed for each category is 99.

**Battery or Attempted Battery on a Non-prisoner (Boxes 53-54)**

- Include any well-documented battery or attempted battery on a non-prisoner, which occurred during any prior incarceration. Do not restrict to the last twelve months in custody.
- Count the number, multiply by eight and enter in Boxes 53-54.

**Battery or Attempted Battery on an Inmate (Boxes 55-56)**

- Include any well-documented battery or attempted battery on an inmate, which occurred during any prior incarceration. Do not restrict to the last twelve months in custody.
- Do not include mutual combat where both inmates were co-responsible.
- Include situations where one or more inmates is clearly the victim. Usually results in some injury that may involve a group attack or some type of weapon.
- Count the number, multiply by four (4) and enter in Boxes 55-56.

**Distribution of Drugs (Boxes 57-58)**

- Include any distribution/trafficking of any controlled substance that occurred during any prior incarceration. Do not restrict to the last twelve months in custody.
- This refers to inmates who are involved in an operation to smuggle drugs into a jail or an institution or facility for distribution and sales.
- Do not count a disciplinary determination in which the inmate was found or pled guilty to possessing a small quantity of drugs.
- Count the number, multiply by four (4) and enter in Boxes 57-58.

**Possession of a Deadly Weapon (Double-Weight if Within the Last 5 Years) (Boxes 59-60)**

- Include only well-documented incidences of manufacturing or possessing a deadly weapon where apparent use was intended, which occurred during any prior incarceration. Do not restrict to the last twelve months in custody.
- Except as noted below, do not include possession of commonly available and unmodified objects unless they are used as weapons and this fact is documented in a disciplinary hearing process. For example, hobby craft tools, common shop tools, and baseball bats are not considered deadly weapons unless their use, or intent for use, as such is clear.
- Include possession of a razor blade (whether it has been modified or not) in a segregated program housing unit (e.g. Ad Seg Unit, Security Housing Unit [SHU], Psychiatric Services Unit).
- If the incident was within the past five years (60 months) of the reception date, it shall be weighted double by giving eight points. Indicate the date of the incident under the item.
- Count the number, multiply by four (4) or eight (8) and enter in Boxes 59-60.

**Inciting a Disturbance (Boxes 61-62)**

- Include any inciting a disturbance that occurred during any prior incarceration. Do not restrict to the last twelve months in custody.
- Typically, this involves a leadership role in an institution riot, racial disturbance, or work strike.
- Include any willful and deliberate behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action to use force or violence upon another person of the type described in CCR § 3005.
- Count the number, multiply by four (4) and enter in Boxes 61-62.

**Battery Causing Serious Injury (Includes Conspiracy) (Boxes 63-64)**

- Include any battery that caused serious injury that occurred during any prior incarceration. Do not restrict to the last twelve months in custody. Serious injury is defined in CCR § 3000.
- Include an inmate who conspired in, or ordered such a battery.
- Count the number, multiply by sixteen (16) and enter in Boxes 63-64.

**Total Prior Incarceration Behavior Score**

If points were assessed for Unfavorable Prior Incarceration Behavior and/or Serious Disciplinary History, combine the total and subtract the Total Favorable Points if any. Enter the result in the space provided for Total Prior Incarceration Behavior Score. Indicate whether this total is a plus or minus value. For example, if there are no points assessed for serious disciplinary behavior, but there are four favorable points for no serious disciplinary during the last twelve months of incarceration, the total is minus 4 (-4).

If points were neither added nor subtracted, enter a zero on the line provided for Total Prior Incarceration Behavior Score.

It is possible for an inmate to be awarded four favorable points in Box 50 for no serious disciplinary in the last 12 months of incarceration, but also be assessed points for serious disciplinary history in Boxes 53 through 64 that occurred outside of the last 12 months of incarceration.

**61010.11.5 Placement****Preliminary Score (Boxes 65-67)**

This is the Total Background Factors Score and Total Prior Incarceration Behavior Score combined.

Right-hand justify the total score. Enter the results of this computation in Boxes 65-67. Any empty boxes are to appear on the left.

If the computation results in a negative value or zero value, enter zero for the score. The maximum Preliminary Score is 999.

**Mandatory Minimum Score Factor**

A Mandatory Minimum Score Factor is a case factor that requires the application of a Mandatory Minimum Score.

**Mandatory Minimum Score Factor Code (Box 68)**

A Mandatory Minimum Score Factor Code is an alpha code associated with a Mandatory Minimum Score Factor.

- If an inmate has a case factor that requires the application of a Mandatory Minimum Score Factor Code, enter the applicable code in Box 68. If more than one Mandatory Minimum Score Factor Code applies, enter the code that appears first on the list.
- Document the RC justification for applying a Mandatory Minimum Score Factor Code in the CDC Form 816 or ISRS, as applicable. When the Mandatory Minimum Score Factor is applied other than in the RC, justify application in a CDC Form 128-G.
- If eligibility for a Mandatory Minimum Score Factor Code requires further consideration, refer to DOM § 61020.19.7.
- Absent overriding security or safety considerations, inmates pending case-by-case evaluation to determine eligibility for a Mandatory Minimum Score Factor Code shall not be transferred, except from the RC, until the application of a Mandatory Minimum Score Factor Code is resolved.
- Determine if one or more of the case factors listed below apply to the inmate. If no factors apply, proceed to the instructions for Placement Score.
- Prepare a new CDC Form 840 score sheet to record a change in or removal of a Mandatory Minimum Score Factor Code.

Mandatory Minimum Score Factor Code and Scores:

CODE	FACTOR	SCORE
[A]	Condemned	52
[B]	Life Without Possibility of Parole	52
[C]	CCR 3375.2(a) (7) Life Inmate	28
[D]	History of Escape	19
[E]	Warrants "R" Suffix	19
[F]	Violence Exclusion	19
[G]	Public Interest Case	19
[H]	Other Life Sentence	19

Specific Criteria for Applying Mandatory Minimum Score Factor Codes:

- **A. Condemned.** Apply Mandatory Minimum Score Factor Code A to inmates sentenced to Death.
- **B. Life Without Possibility of Parole.** Apply Mandatory Minimum Score Factor Code B to inmates sentenced to Life Without the Possibility of Parole (LWOP).
- **C. CCR 3375.2(a)(7) Life Inmate.** Apply Mandatory Minimum Score Factor Code C to life-term inmates who are excluded from placement in Levels I or II based on any of the following factors per CCR § 3375.2(a)(7):
  - The commitment offense involved multiple murders, unusual violence or execution-type murders, or received high notoriety. Each of these factors is defined in CCR § 3000.
  - The inmate has a history of multiple walkaways, an escape from a secure perimeter, or an escape with force or threat of force.
  - A classification committee shall determine the application of Mandatory Minimum Score Factor Code C. The Unit Classification Committee (UCC) shall refer more complex cases to the Institutional Classification Committee (ICC) as needed.

- Justification in the CDC Form 128-G shall address the specific element(s) of the inmate's commitment offense that substantiates the application of Mandatory Minimum Score Factor Code C, which precludes Level II placement, as opposed to Mandatory Minimum Score Factor Code F or Mandatory Minimum Score Factor Code H.
- D. History of Escape.** Apply Mandatory Minimum Score Factor Code D for those case factors listed below. This code is not to be used to assess risk factors for escape involving any other offenses, i.e. the sale or possession of large quantities of narcotics.
  - Apply to an inmate with any history of escape from within a secure perimeter or attempted escape from within a secure perimeter whether or not force was used. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who has a conviction for, or whose commitment offense includes, Escape with Force or Attempted Escape with Force from any correctional setting or armed escort. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who verbalizes that he or she is going to escape, and/or states he or she does not wish Minimum Support Facility (MSF) placement because he or she will be tempted to escape/walkaway. The inmate is permanently excluded from minimum custody/MSF/camp placement.
  - When applying the ten-year exclusion criteria in reference to the following escapes or walkaways, use the date of conviction. If the escape did not result in a conviction, use the date of apprehension. In a case where there is no escape conviction and the date of apprehension is unknown, use the date of the escape or attempted escape or walkaway.
  - Apply to an inmate who has a history of (one or more) walkaways without force from a nonsecure perimeter facility setting (such as camp, MSF, county road camp, etc.). The inmate is ineligible for minimum custody placement, camp, or MSF for ten years.
  - Apply to an inmate with a pattern of (two or more) walkaways from CCRC within the last 10 years. These inmates are excluded from minimum custody for 10 years.
  - Apply to an inmate who has a walkaway from CCRC that resulted in a court conviction for escape within the last ten years. The inmate is ineligible for minimum custody for 10 years.
- E. Warrants "R" Suffix.** Apply Mandatory Minimum Score Factor Code E when the "R" suffix has been affixed to the inmate's custody. Criteria for the "R" suffix is provided in CCR § 3377.1 and DOM § 62010.4.3.1. Do not apply Mandatory Minimum Score Factor Code E for a case pending an evaluation.
- F. Violence Exclusion.** Apply Mandatory Minimum Score Factor Code F when an inmate has a current or prior conviction for a violent felony or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c) that does not require "case-by-case" consideration.
  - A sustained juvenile adjudication is a guilty determination or ruling rendered in a juvenile judicial proceeding.
  - In addition, the following administrative determinations regarding an allegation of a violent act including, but not limited to, those offenses described in Penal Code § 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:
    - Board of Parole Hearings (BPH) or Parole Hearings Division good cause finding or,
    - California Youth Authority/Youthful Offender Parole Board sustained allegation or,
    - A probation violation finding in a court of law.
  - Do not apply the Mandatory Minimum Score Factor Code F pending case-by-case evaluation.
- G. Public Interest Case.** Apply Mandatory Minimum Score Factor Code G when a CSR determines that the inmate is a Public Interest Case as defined in CCR § 3000, CCR § 3375.2(b)(20) and DOM § 62010.4.3.3. Staff shall refer potential public interest cases to a CSR for determination and endorsement, if applicable, as a public interest case.

- H. Other Life Sentence.** Apply Mandatory Minimum Score Factor Code H for an inmate serving a current life sentence commitment whose case factors are not already addressed by another Mandatory Minimum Score Factor. This inmate is excluded from placement in a minimum custody setting until a release date is granted by the BPH. The granting of a release date by the BPH does not result in the removal of Mandatory Minimum Score Factor Code H.

#### **Mandatory Minimum Score (Boxes 69-70)**

A Mandatory Minimum Score is a numerical value identifying the least restrictive security level for an inmate who has a case factor that requires he/she be housed no lower than a specific security level.

When the Mandatory Minimum Score Factor Code is applied, enter the corresponding point value in the field labeled Mandatory Minimum Score, Boxes 69-70.

If more than one factor applies, enter the code in Box 68 that appears first on the list and enter the corresponding numeric value in Boxes 69-70.

#### **Placement Score (71-73)**

If a Mandatory Minimum Score Factor Code has not been applied, enter the Preliminary Score as the Placement Score.

If a Mandatory Minimum Score has been applied, enter the Mandatory Minimum Score or the Preliminary Score whichever is greater.

The Placement Score is one of the factors used to determine the security level to which the inmate is assigned.

#### **61010.11.6 Special Case Factors**

This provides the opportunity to alert classification staff of special concerns, which should be considered in placement or program assignment.

#### **Holds, Detainers, and Warrants (Boxes 74-75)**

Review all relevant documents and the "Detainers" section of the C-file for holds. This item requires careful evaluation regarding the seriousness of the hold and the likelihood that the jurisdiction will exercise the hold at the end of the sentence. The importance of the hold for classification is the extent to which the prospect of an additional term to serve may motivate the inmate to attempt escape.

- Holds, Detainers, and Warrants for felony charges or USINS are coded "P" for potential or "A" for actual.
- Code only those holds which are likely to result in an additional prison sentence or deportation. Exclude simple holds for probation or parole violation where the commitment offense is the basis for the violation.

#### **Restricted Custody Suffix (Box 76)**

Enter an "R" if a restricted custody suffix needs to be applied by the receiving institution pursuant to DOM § 62010.

#### **Current Institution and Facility (Boxes 77-83)**

Beginning with the first box, enter the letters that abbreviate the name of the RC. RC refers to the facility where the case is presented to a CSR or Correctional Counselor (CC) III for initial placement. Inmates may go through an RC, but actually be processed at an institution. Also, out-of-state inmates may be delivered directly to an institution. In such cases, enter the abbreviation for the institution where the processing takes place. Refer to DOM § 61020.19.8 for abbreviations.

#### **Eligible for Restitution Center (Box 84)**

The Restitution Center program allows inmates who meet program criteria to work in the community and repay their victims for monetary losses. Inmates are eligible for placement in the Restitution Center program pursuant to PC § 6228. Inmates are eligible for placement consideration if they meet the following criteria:

- Have agreed or been ordered by the court to make financial restitution to a crime victim.
- Have not served a prison term within the five years prior to the present conviction.
- Do not have a criminal history of a conviction for the sale of controlled substance.
- Do not have a criminal history of a conviction for a crime involving violence or sex.
- Received a sentence of 36 months or less.
- Present no unacceptable risk to the community.
- Are employable.

Inmates from any county are eligible for placement if they meet the criteria.

A court ordered restitution to the victim, whether payable to the court, directly to the victim, or in any other manner, qualifies an inmate to participate. A restitution fine constitutes financial restitution to a crime

victim; therefore, a restitution fine meets the criteria for Restitution Center placement.

There are no medical staff assigned to the Restitution Center. However, an inmate who is otherwise eligible for placement in a restitution center who requires regular monitoring/intervention by medical personnel may be considered if he or she is medically cleared on a case-by-case basis.

In Box 84, enter "Y" for "yes" if the inmate is eligible or enter "N" for "no" if the inmate is ineligible. This is a one-time entry for the duration of the inmate's CDC number unless the inmate's eligibility changes from "Y" to "N."

#### Level IV Design (Item F.5.)

**180 Status.** If a male inmate has a Level IV Placement Score, the counselor shall make a determination regarding the exclusion of the inmate from a Level IV 270-design institution. If the inmate meets the guidelines for exclusion from a Level IV 270-design prison, the counselor shall place the capital letter "Y" on the line provided.

If the male inmate has a Level IV Placement Score, but does not meet the guidelines for exclusion from a Level IV 270-design institution, the counselor shall enter an "N" on the line provided.

**Reason Code.** If a "Y" has been entered on the "180 Status" line provided, the counselor shall then enter the "Reason" code on the line provided that describes the reason for exclusion from a Level IV 270-design institution based on the established guidelines noted below.

Reason Codes are consistent with the Group A and Group B reasons outlined below. For example, an inmate who is excluded from placement in a Level IV 270-design institution because he is a street gang member, has two or more prior offenses listed in PC § 667.5(c), and has been in the CDCR for less than three (3) years at the time of review, "B3" would be entered as the Reason Code.

#### GROUP A

Any single factor is exclusionary and prevents placement in a Level IV 270-design prison:

- 1) SHU placement during the last three (3) years of incarceration.
  - SHU terms suspended upon initial review by ICC do not count.
- 2) Disciplinary CDC Form 115 for a Division A-1, A-2, or B offense in the last three years of incarceration.
  - Excluding Possession of Narcotics.
- 3) Validated Member or Associate of a Prison Gang.
  - If the inmate was housed in General Population (GP) during the last three (3) years of incarceration, he may be housed in a 180-design or a 270-design facility.
- 4) Disciplinary CDC Form 115 for Riot (Rout) or for Inciting a Riot in the last three (3) years of incarceration.

#### GROUP B

These factors must be applied together. There must be some evidence of street gang membership or association and one or more of the additional elements numbered 1 through 6 below. Exclusion for these factors will be for whichever comes first, three years or until the Placement Score is adjusted to Level III or below.

- 1) Disciplinary CDC Form 115 for Assaultive Behavior within the last three years of incarceration.
  - Exclude mutual combat.
- 2) Commitment offense where street gang activity was directly involved.
- 3) Two or more prior offenses listed in PC § 667.5(c).
- 4) Committed under PC § 667.5(e)(2) (Three Strikes Law).
- 5) Committed for Life Without Parole.
- 6) Determinate sentence of 50 years or more.

#### US Armed Forces (Box 85)

Enter a "Y" if the inmate answers "Yes" to the following question: "Have you ever been a member of the US Armed Forces and were you honorably discharged?" If the inmate answers "No" enter "N." After a response has been documented on the CDC Form 839, CDC Form 840, or CDC Form 841, it is not necessary to address the issue again.

#### Caseworker Name (Boxes 86-94)

The counselor shall print his or her last name and first initial in capital block letters, in the boxes, indicating that the CDC Form 839 is accurate and complete.

#### 61010.11.7 CSR Action

This Section is to be completed only by a CSR or a staff member specifically authorized to act in that capacity.

Inmates who are found guilty of a serious disciplinary while undergoing RC processing shall have that behavior recorded on a CDC Form 840 and not on a CDC Form 839. The endorsement shall then occur on the CDC Form 840. No endorsement is required on the CDC Form 839 in these cases.

#### Last Name (Boxes 95-102)

The CSR shall print the first eight letters of his or her last name in CAPITAL BLOCK letters in the boxes provided.

#### Date of Action (Boxes 103-108)

Enter the number of the month, day, and last two digits of the year in which the action is taken.

#### Level IV Design (Boxes 109-111)

**180 Status.** If a male inmate has a Level IV Placement Score, the CSR shall make a determination regarding the exclusion of the inmate from a Level IV 270-design institution. If a male inmate meets the guidelines for exclusion from a Level IV 270-design prison, the CSR shall print the capital letter "Y" in Box 109.

**Reason Code.** If a "Y" has been entered in Box 109, the CSR shall print the reason code in Boxes 110-111 that describes the reason 270-design institution based on the established guidelines. Refer to DOM § 61010.11.6, Special Case Factors for Reason Codes.

- The counselor's evaluation regarding a male inmate's exclusion from a Level IV 270-design institution will be recorded in the Special Case Factors area of the score sheet.

#### Minimum Custody (Boxes 112-115)

**Eligibility.** The CSR shall print the letter "E," "L," or "P" in Box 112, consistent with the findings recorded on the Minimum Custody Screening Form. Print the letter "E" in Box 112 to document that the inmate is eligible for minimum custody. Print the letter "L" in Box 112 to document that the inmate is temporarily ineligible for minimum custody. Print the letter "P" in Box 112 to document that the inmate is permanently ineligible for minimum custody.

**Reason Code.** Print the code in Boxes 113-115 to identify the reason the inmate is either temporarily or permanently ineligible for minimum custody, for example, VIO, ESC, HOL, etc. If the inmate is eligible for minimum custody, print an "E" in the Minimum Custody Eligibility Box 112. Do not enter a reason code.

If an inmate is permanently excluded from Camp due to Arson, but is otherwise eligible for minimum custody in an MSF, enter "P" in Box 112 and enter ARS for Arson in Boxes 113-115 to ensure that inmate is not placed in a Camp.

#### CCRC Eligibility (Boxes 116-118)

The CSR shall enter the appropriate code for reentry eligibility.

- Print the letters REN in Boxes 116-118 if the inmate is eligible and wants to participate in CCRC.
- Print the letters REX in Boxes 116-118 if the inmate is eligible but does not want to participate in CCRC.

If the inmate is ineligible for CCRC placement, leave Boxes 116-118 blank.

#### Developmental Disability Program (DDP) Code (Boxes 119-121)

The Developmental Disability Program evaluation is recorded on a CDC Form 128-C2. The CSR shall print the most recent DDP code in the Boxes 119-121. The DDP code is the designation assigned by clinical staff.

#### Disability Placement Program (DPP) Code (Boxes 122-133)

The CSR shall make every effort to endorse a case that is identified as DPP on the CDC Form 1845, Inmate/Parolee Disability Verification, (Section C), to an appropriate institution.

The first three boxes are to be used for the impacting DPP code that most affects the inmate's placement. The CSR shall print the appropriate DPP code in Boxes 122-124. If there are additional codes that affect placement, enter those codes in Boxes 125-133.

The CSR shall print the non-impacting DPP codes assigned to the inmate in Boxes 125-133.

The C&PR or the RC-CCHII has the authority to code the DPP designation of inmates who have only non-impacting physical disabilities as identified in Section D of the CDC Form 1845. The C&PR or RC-CCHII shall print the non-impacting DPP code(s) in Boxes 125-133.

#### Administrative Determinants (Boxes 134-148)

An inmate whose Placement Score falls within one of the following ranges shall be placed in an institution, which is designated at the security level indicated, unless a reason for administrative or irregular placement is specified:



**Placement Score    Security Level**

0-18	I
19-27	II
28-51	III
52+	IV

Appropriate inmate placement is determined by both Placement Score and consideration of unusual or special case factors. Some case factors affect placement because of administrative policy requirements, commonly referred to as "administrative determinants." Placements based on these case factors, in a facility that does not correspond to the inmate's Placement Score, are "administrative placements."

Space is provided to record up to five administrative determinants. Enter applicable administrative determinants. An administrative determinant identifies both temporary and permanent case factors and alerts staff to safety and security considerations which may limit the inmate's eligibility for placement.

If there are not enough boxes to identify all applicable administrative determinants, give priority to those most related to security and safety.

Record those determinants, which are supported by documentation using the administrative determinant codes provided. If an administrative determinant code has already been entered as a Minimum Custody Reason Code (Boxes 113-115), it is not necessary to repeat that code here.

For example, if the inmate has an active felony hold, mental health concerns, medical concerns, and a possible restricted "R" custody, enter the applicable administrative determinants. Unless the medical condition is driving placement, the mental health diagnosis is the primary concern. Enter HOL for the Hold if the hold is active, is either a felony or a USINS hold, and supporting documentation for the hold is in the file. The "R" suffix is not entered pending evaluation. The CSR would therefore enter:

a)	b)	c)
P S Y	M E D	H O L

The following codes are the Administrative Determinant codes:

- **AGE.** Inmate's youthfulness, immaturity, or advanced age should be given strong consideration in placement or program decisions.
- **ARSON.** Current or prior conviction or a sustained juvenile adjudication as defined in CCR § 3375.2(b)(25) or good cause finding ruling rendered in a BPH or Parole Hearings Division proceeding, a sustained allegation in DJJ/CYA or Youthful Offender Parole Board proceeding or a probation violation finding in a court of law for arson, which limits where the inmate may be placed.
- **BEHAVIOR.** Inmate's behavior record indicates he or she is capable of successful placement at an institution security level lower than that indicated by the inmate's Placement Score. Not to be used if the inmate is housed at a security level higher than the inmate's Placement Score.
- **CAMP.** Placement due to a shortage of camp qualified inmates. Enter CAM to identify an inmate who is eligible or potentially eligible for camp placement.
- **DEATH sentence.** Inmate was formerly on death row or currently is sentenced to death.
- **DEPARTMENTAL review board.** Special placement ordered by the Departmental Review Board.
- **DISCIPLINARY history.** Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.
- **ENEMIES.** One or more persons under the jurisdiction of the CDCR has been documented on a CDC Form 812 or 812-C as an enemy. his should also be used when victimization is very probable due to case factors, such as where the nature of the offense will very likely create an enemy situation at certain institutions. Includes current Protective Housing Unit cases and those who are natural victims because of their appearance or commitment offense.
- **ESCAPE potential.** Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his or her Placement Score. For example, the inmate verbalized intent to escape.
- **FAMILY ties.** Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.
- **GANG involvement or affiliation.** Documentation establishes that the inmate's gang association requires special attention or placement consideration.
- **HOLD, warrant, or detainer likely to be exercised.** For purposes of justifying a need for irregular placement based on a hold, the hold is to be active, be either a felony hold or USINS hold, and substantiating documentation must be located in the C-File.
- **INACTIVE.** Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.
- **LIFE sentence.** Apply LIF to identify an inmate serving a life sentence or life sentences.
- **MEDICAL.** The inmate's medical condition requires treatment or continuing medical attention not generally available at all facilities.
- **OUT-to-court.** Inmate needs to be housed in a particular facility in order to be close to a court jurisdiction where the inmate is required to testify in court or is being prosecuted. Includes situations where involvement in a court trial is anticipated because a disciplinary has been referred to the district attorney. Also, use this designation when a BPH appearance is imminent.
- **POPULATION pressures.** Shall be used by a CSR only. No beds presently exist at an institution with a security level indicated by the inmate's Placement Score.
- **PRE-release.** The short time remaining to serve limits or otherwise influences placement or program options. This factor shall also be used when a release date is so close that transfer or starting a long-term program is not warranted and when a short release date warrants special placement or program consideration.
- **PSYCHIATRIC.** A mental condition requires special treatment or may severely limit placement options. Includes Category B. Apply PSY to justify the administrative placement of an inmate who requires designated housing in accordance with an impacting DDP code.
- **PUBLIC interest case.** High notoriety of an inmate has caused public interest in the case and requires exceptional placement.
- **SCHOOL.** Inmate is involved in an academic program which is not available at an institution security level consistent with the inmate's Placement Score. Apply SCH to identify an inmate currently participating in a Substance Abuse Program who is being retained out of level to complete the Substance Abuse Program.
- **SEX.** Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.
- **SOR.** Sexual orientation. Inmate's bisexual or homosexual orientation may require special placement.
- **TIME to serve.** Inmate's time to serve is long, requiring placement at a facility with a security level higher than that indicated by the inmate's Placement Score.
- **VIOLENCE.** Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by the inmate's Placement Score.
  - A sustained juvenile adjudication means a guilty determination or ruling rendered in a juvenile judicial proceeding.
  - In addition, the following administrative determinations regarding allegations of violent acts including, but not limited to, those offenses described in PC § 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:
    - Board of Parole Hearings or Parole Hearings Division good cause finding, or
    - DJJ/CYA/Youthful Offender Parole Board sustained allegation, or
    - A probation violation finding in a court of law.
- **VOCATIONAL training.** Inmate is involved in a vocational program which is not available at a facility with a security level which is consistent with the inmate's Placement Score.
- **WORK skills.** Inmate has a work skill in a critical trade for which special placement consideration may be warranted. This should also be used to request or approve work crew placements.

**Mental Health Level of Care (LOC) (Box 149)**

The CSR shall enter a "C" for CCCMS or an "E" for EOP in Box 149 to identify the inmate's mental health LOC only at the time of endorsement.

**Institution Approved (Boxes 150-156)**

Print the first two, three, or four initials of the institution or facility name in Boxes 150-153. Print the security level, subfacility designation, or program in Boxes 154-156. Enter only one letter or number in each box. Empty boxes should be to the right.

For example, Sierra Conservation Center, Level I is recorded as:

S	C	C		I		
---	---	---	--	---	--	--

CSP, San Quentin, Level II is recorded as:

S	Q			I	I	
---	---	--	--	---	---	--

California Institution for Men, Minimum is recorded as:

C	I	M		I		
---	---	---	--	---	--	--

North Kern State Prison, Level III is recorded as:

N	K	S	P	I	I	I
---	---	---	---	---	---	---

Endorsement to the Restitution Center is recorded as:

L	A			C	C	C
---	---	--	--	---	---	---

**Reason for Administrative or Irregular Placement (Boxes 157-159)**

The CSR or authorized staff completes this item only if the security level approved is not commensurate with the inmate's Placement Score. If the level does not correspond, the CSR or authorized staff shall enter the reason for the administrative or irregular placement using the appropriate administrative determinant code to justify placement.

Some case factors affect placement because of administrative policy requirements. Policy-determined factors are "administrative determinants" and placements in a facility based on these, which do not correspond to the inmate's Placement Score, are "administrative placements."

There are also special case factors that, while not governed by policy, influence placement by determining program priorities. For example, the inmate's score level is reduced, but he or she is retained in a higher security level to complete academic or vocational train or to fill a skilled worker position or the population is such that no suitable bed at the inmate's security level is immediately available. When placement occurs under such circumstances, it shall be recorded as an "irregular" placement.

**61010.12 RC Transfer Disagreements**

If the RC's Associate Warden disagrees with the CSR's action, the inmate shall be retained at the RC while the case is presented to another CSR. If a second CSR does not resolve the issue, the Chief, Classification Services Unit, shall be contacted for a decision.

**61010.13 CSR Special Transfer Review**

RC cases determined to require security housing placement shall be presented for routine CSR review.

**61010.14 CSR Review of Transfer Delays**

If an inmate is not transferred within 120 days from the date of CSR endorsement, the endorsed case awaiting transfer shall be presented to the CSR prior to the 121<sup>st</sup> day for an additional 120-day extension upon written documentation confirming that there is no change to case factors and that endorsement remains appropriate.

A subsequent 120-day extension shall require the CCI and the CCII Supervisor to audit the central file. The CCI and CCII shall complete a formatted CDC Form 128-G, Classification Chrono.

The request for a 120-day extension of a CSR endorsement shall not require a classification committee action unless case factors have changed or other information is identified, which renders the CSR endorsement to be no longer appropriate.

An endorsed case awaiting transfer may be extended no more than twice beyond the initial 120-day period.

**61010.15 Processing of Inmates into Community Correctional Facilities (CCF)**

The efficient and timely processing of inmates into CCFs requires the sharing of information, cooperation, and coordination among the staff of

CDCR institutions, transportation, and non-State private vendors. Parole Violators Returned to Custody are eligible to be processed via the Detention Processing Unit to a Community Correctional Facility.

**Institutions' Function/Responsibility**

Inmates shall be processed from RC and program institutions. The sending institution shall screen and approve inmate placement in CCFs per established placement criteria.

**Documents to be Forwarded**

Institutional records' staff shall prepare the CDC Form 135, Inmate Transfer Record, and copies of Central File (C-file) documents per CDC Form 1740, Community Correctional Facilities Field File Checklist, to accompany the inmate.

Institution records' staff shall update Offender Based Information System (OBIS).

Institution records' staff shall forward the C-file the day after the inmate is transferred, to the CCF records office.

Institution staff shall coordinate with the appropriate regional transportation unit regarding the number of inmates to be transferred and to schedule their movement.

**Regional Transportation Unit Responsibilities**

Regional transportation staff shall coordinate with the CC III/Classification & Parole Representative (C&PR) and facility staff to ensure the timely movement of inmates to and from CCF. All incoming movement is coordinated with the Division of Adult Institutions and then disseminated to the Regional Hubs with pick-up dates and number of inmates.

**CCF Responsibilities**

Coordinate with regional transportation units and institution CC-III/C&PR to ensure timely movement of inmates.

The receiving facility staff shall ensure a signed CDC Form 127, Notification in Case of Inmate Death, Serious Injury, or Serious Illness, and a release of information is obtained from each inmate at the intake interview.

The facility staff shall ensure existing guidelines are followed for the return of inmates who are, or become, unacceptable for their program.

**61010.16 Endorsement of Cases Paroled from RCs**

All inmates who are delivered to a reception center to serve a term in the CDCR shall receive an endorsement from a CSR or other staff member specifically authorized to act in that capacity. This requirement is not waived for inmates who parole from RCs. This endorsement is required by departmental data systems and shall be obtained for every inmate received by the CDCR. This does not apply to "paper commitments" (inmates who are committed to the CDCR but are not delivered to the RC).

The CSR shall enter the date of endorsement and enter the institution abbreviation followed by the letters "RC"; e.g. "NKSP-RC" with an irregular placement reason of "PRE." The endorsement may be completed by an RC CCHI in the absence of a CSR.

**61010.17 Revisions**

The Director, Division of Adult Institutions, or designee shall ensure that the content of this Section is current and accurate.

**61010.18 References**

PC §§ 1203 and 2930.

CCR (15) §§ 3000 and 3375.

**ARTICLE 2 — CASE CONSIDERATIONS**

*Revised July 26, 2004*

**61020.1 Policy**

Inmates received by the California Department of Corrections and Rehabilitation (CDCR) shall be evaluated on an ongoing basis, and significant case information shall be documented in the central file (C-file).

**61020.2 Purpose**

This Section establishes standard procedures and guidelines for the orderly acceptance and documentation of significant case information necessary for the transfer and safety of inmates. It includes methods to update inmate classification scores and the proper documentation of critical and confidential information.

**61020.3 CDC Forms 812, 812-A, 812-B, and 812-C**

Any information regarding an inmate/parolee which is or may be critical to the safety of persons inside or outside an institution shall be documented as required below on a CDC Form 812, Notice of Critical Case Information--Safety of Persons (Nonconfidential Enemies); a CDC Form 812-A, Notice of

Critical Information--Prison Gangs Identification; CDC Form 812-B, Notice of Critical Information--Disruptive Group Identification; and CDC Form 812-C, Notice of Critical Information--Confidential Enemies. The purpose of these forms is to alert staff to safety/security concerns and/or information regarding an inmate/parolee that may be critical to his/her placement. CDC Forms 812, 812-A, 812-B, and 812-C and all documents referred to on the forms shall be filed in the C-file of each identified inmate/parolee. These forms, as applicable, and all supporting documents shall be reviewed and considered in the transfer, placement, and case supervision of any inmate/parolee. Any confidential material affecting the critical case factors of an inmate/parolee shall conform to the provisions of CCR § 3321. Entries on these forms must be supported by detailed documentation required elsewhere in the C-file. The reverse sides of these forms shall not be written on.

#### **61020.3.1 Reception Center (RC) Initiation of CDC Forms 812 and 812-C**

RC staff shall complete CDC Forms 812 and 812-C (if applicable) for each newly committed or returned inmate and place it in the inmate's C-file before referral to the Classification Staff Representative (CSR) or before the inmate's release to parole, discharge, or another jurisdiction.

#### **61020.3.2 Institution Update of CDC Forms 812 and 812-C**

Counseling staff shall update the CDC Forms 812 and 812-C (if applicable) as any critical information becomes known and is documented in the inmate's C-file and within 30 days of transfer. The CSR shall not take any action on transfers unless the CDC Forms 812 and 812-C (if applicable) or updates are within 30 days. When updates can no longer be accomplished on a current form due to lack of available entry space, staff shall prepare new CDC Forms 812 and 812-C (if applicable) to update the previous information and use the OBIS to verify all enemy locations.

Upon verification of a previously undocumented enemy, where that enemy is located at another institution, facility, or parole region, the assigned Correctional Counselor (CC) I shall, within five working days of receiving the documentation related to the enemy situation, complete a CDC Form 812X, Enemy Information Transmittal, and forward the form with supporting documentation to the institution's Classification & Parole Representative (C&PR) or RC-CCIII. Within five working days of receiving the forms, the C&PR or RC-CCIII shall ensure that the green copy is placed in the C-file of the identified enemy and forward the white and yellow copies of the CDC Form 812X and supporting documentation to the C&PR or RC-CCIII at the institution or facility or the Case Records Administrator in Parole Case Records North/South where the identified enemy is located. For those CDC Form 812Xs being sent to the Case Records Administrator in Parole Case Records, the CDC Form 812Xs shall be placed in an envelope marked "Confidential" and separate from any other mail and be addressed to the Case Records Administrator. A separate CDC Form 812X shall be completed for each newly identified enemy. A CDC Form 812X shall not be completed when the inmate identified as an enemy has been discharged. When the CDC Form 812 is updated and the identified inmate enemy has returned to the CDCR with a new number, a CDC Form 812X shall be completed within five (5) days of discovery and the process as outlined above shall be followed.

Within one (1) working day of receiving a CDC Form 812X, the C&PR/RC-CCIII shall ensure that the documents are forwarded to the identified inmate's assigned CCI. Within five (5) working days of receiving the documentation, the CCI shall ensure that the identified inmate's CDC Form 812/812-C is updated and that the CDC Form 812X and supporting documentation are placed in the inmate's C-file. The CCI will return the yellow copy of the completed CDC Form 812X to the C&PR/RC-CCIII who shall, within four (4) working days, return the yellow copy of the CDC Form 812X to the sending institution or parole region. Upon receipt of the completed yellow copy of the CDC Form 812X, the C&PR/RC-CCIII at the sending institution shall ensure that the completed yellow copy of the CDC Form 812X is placed in the identified inmate's C-file and the green copy is removed and destroyed.

Within five (5) working days of receiving a CDC Form 812X, the Case Records Administrator at Parole Case Records North/South shall ensure that the CDC Form 812X and accompanying documentation are placed in the inmate/parolee's C-file on the top of the Classification section of the file. If returned from Parole/CCF/CCRC to an institution, the receiving institution shall ensure that the file is updated with the enemy information and that the yellow copy of the CDC Form 812X is returned to the sending institution. Upon receipt of the completed yellow copy of the CDC Form 812X, the C&PR/RC-CCIII at the sending institution shall ensure that the completed

yellow copy of the CDC Form 812X is placed in the identified inmate's C-file and the green copy is removed and destroyed.

#### **61020.3.3 Paroles Update of CDC Form 812**

Parole staff shall update the CDC Form 812 as any critical case information becomes known and is documented for inclusion in a parolee's file. The form shall be updated before the parolee's file is forwarded by the parole region to any other location, including the CDCR's Archives Unit.

#### **61020.3.4 Verification and Documentation of Enemy Information**

Inmates, who staff believe are likely to do mortal or serious injury one to the other if given the opportunity, shall be considered enemies. Inmates, who claim to have an enemy, are responsible for providing sufficient information to positively identify the claimed enemy. Staff shall make concerted efforts to evaluate, verify, and document this information. Verification may include an interview with the alleged enemy when it can be done without jeopardizing an investigation or endangering the inmate. Information shall be documented on a CDC Form 812, 812-C (if applicable), and a CDC Form 128-B, General Chrono, indicating the results of the investigation, which supports or verifies this information.

#### **61020.4 Recording on the CDC Form 812**

When notations (names, number, circumstances, and comments) are recorded on a CDC Form 812 and 812-C (if applicable), the recording staff person shall ensure such critical information is included on the CDC Form 812 of each identified inmate or parolee. Where inmates or parolees are located elsewhere, such notifications shall be made by a photocopy of both the CDC Form 812 and the supporting documentation.

#### **61020.5 Information Documentation CDC Form 812**

The CDC Form 812 is non-confidential. It shall contain no references to documents in the confidential materials folder and not be filed in the confidential folder. Care shall be exercised in making notations on the CDC Form 812 to avoid disclosing any confidential information. Confidential information shall be documented on a CDC Form 128-B. Confidential enemies shall be recorded on a CDC Form 812-C.

The inmate shall have access to the fact that there is confidential information in the file; however, the contents shall not be disclosed.

Notations are reserved for three specific kinds of information: "Non-Confidential Enemies," "Deletion of Prior Enemies," and "Suspected Gang Affiliations." When there are numerous documents in a file, all related to the same critical information, the notation on the CDC Form 812 shall refer the reader to only the original sources or most significant documents. The reader is thus alerted that critical information exists in the file and is responsible for locating and considering any other related information/documents.

#### **No Known Enemies or Gang**

When there is no critical case information relating to the safety of persons to document, indicate "NONE" under CDC Number and/or gang section if there are no enemies and/or gang concerns. Decisions or actions, which may affect the safety of persons, shall consider all available information and not solely the presence or absence of notations.

Notations on a CDC Form 812 shall be typed or printed in ink and dated. The staff person making or authorizing the notation shall be identified by their name, title, and institution or parole region.

Each CDC Form 812 and all documents referred to on the form are permanent and shall be retained in the inmate's/parolee's file in accordance with procedures outlined in Department Operations Manual (DOM) § 72010, Types of Records.

#### **Supporting Information**

All written notations on a CDC Form 812 shall be supported by documentation contained elsewhere in the file. A CDC Form 128-B shall be used to document notifications unless the information is already supported by other file material, which need only be referenced. It is the reporting employee's responsibility to ensure that the information is placed in the file and that it is properly listed on the CDC Form 812.

#### **Institution Gang Investigator (IGI) Referral**

Gang involvement information shall be verified by a thorough investigation using the IGI, investigative lieutenant, or other designated staff.

#### **Providing False Information**

If it is determined the inmate has given false information, staff shall take appropriate action pursuant to California Code of Regulations (CCR) § 3021.

#### **61020.6 Prison Gang Information Documentation on CDC Form 812-A, Notice of Critical Information-Prison Gang Identification**

When a prison gang affiliation is entered on the CDC Form 812, staff shall prepare a CDC Form 812-A. This form shall be completed only when

inmates have been designated as a member, associate, or drop-out of a prison gang.

The CDC Form 812-A shall be completed in detail. The designation of an inmate as a member, associate, or drop-out, or in need of protection from a prison gang shall be verified, and all supporting documentation listed on the form.

#### IGI

The IGI shall prepare a CDC Form 128-B to summarize the verification of the inmate's involvement. In many cases, it will be necessary to provide more than one item of verification. IGIs or investigative lieutenants shall review and sign each CDC Form 812-A prior to its placement in the inmate's file to ensure that an inmate is not given a prison gang designation unless adequate supporting documentation is contained in the inmate's file. The reverse side of the CDC Form 812-A shall not be written on.

#### Updating

The CDC Form 812-A shall be reviewed and updated at each annual classification review and during any review for a transfer.

#### 61020.7 Prison Gang Identification Methods

Methods of identification shall include a reference to each source document in the inmate's/parolee's file and adhere to the following guidelines:

Self Admission. Shall require verification from another source.

Tattoos and Symbols. Body markings identified by IGIs as indicative of specific prison gangs.

Written Material. Any material or documents determined to indicate prison gang involvement or activity such as membership lists, enemy lists, gang constitutions, structure, codes, or training materials of specific groups.

Photos. Individual or group photographs with gang connotations such as insignia or symbols or group photos with known gang members.

Staff Information. Documented staff observations, which reasonably indicate and verify gang involvement or association. The inmate's C-file shall be reviewed for corroborating CDC Form 115, Rules Violation Reports, CDCR Form 837 Series, Incident Reports, probation officer reports and other reports.

Other Agencies. Information provided by other agencies shall be documented. If the information is received orally, CDCR staff shall document the information, citing the source and the validity (such as the other agency's basis for determining an affiliation).

Association. Enter only information related to the inmate's/parolee's association with known gang members or with persons directly linked to known gang members. Such information can relate to street associations, crime partners, institutional associations, or visitors or correspondents of gang members.

Confidential Sources. The date of the information and the type of the source shall be noted. Any document relating confidential information from an inmate source shall also include an evaluation of the source's reliability and otherwise meet the requirements for the use of confidential information as specified in DOM § 61020.8.

Commitment Offense. Where the circumstances of an offense reveal evidence of gang affiliation, the counselor shall check for such indicators as victim, gang related crime, crime partners, witnesses, ethnic consideration, area of commitment, or "home town." "Home town" and ethnic considerations alone shall not determine gang affiliation, but shall be considered in context with other substantiating information.

Legal Documents. Probation Officer's Report (POR) or court transcripts.

Visitors. Documentation shall be made of visitors who are known gang "runners," street members, or members of an organization which associates with prison gangs.

Debriefing Reports. Official material detailing the voluntary statement of an inmate or parolee who claims to have dropped out from a prison gang or disruptive group.

#### 61020.8 Confidential Material Criteria

The following types of information shall be classified as confidential:

- Information which, if known to the inmate, parolee, or others would endanger the safety of any person.
- Information which would jeopardize the security of the institution.
- Specific medical or psychological information which would be medically/psychologically detrimental if known to the inmate or parolee.
- Information provided and classified confidential by another governmental agency.

- Notwithstanding the above, information provided by an inmate/parolee, which is documented in a debriefing or other report, providing the inmate/parolee has requested a confidential designation and the gang coordinator/investigator or other staff per DOM § 61020.10 has determined security or safety would best be served by filing the report in the inmate/parolee's confidential folder rather than another section of the C-file.

#### 61020.9 Confidential Material Use

CSRs are designated auditors of confidential information.

The hearing officer for a rules violation report shall ensure that the use of confidential information pertaining to the violation being adjudicated is properly disclosed and documented.

No inmate shall be approved for transfer to another institution based on confidential information, which is not properly documented and disclosed on a CDC Form 1030, Confidential Disclosure Form.

The identity of a confidential source may be kept confidential if disclosure would endanger the source, any person, or institutional security.

Decisions in disciplinary hearings based upon confidential information shall be supported in a confidential memorandum, incident report, or finding portion of the CDC Form 115 with investigative information and appropriate documentation.

These documents shall contain:

- A statement in support of CCR § 3321(c)(1) detailing the past information provided and why the confidential informant is considered reliable for the current incident.
- Whether the current information is first-hand or hearsay.
- Whether documentation or other "circumstances surrounding the event" would lead the decision maker to believe the information is true.
- In the case of multiple confidential sources, the degree of reliability of each source shall include how each statement compares with the other statements, and the circumstances or evidence on which the conclusion of reliability was based.
- The description of the "circumstances" shall state how it was possible that the events occurred as described by the confidential sources, and include any facts or evidence (who, what, when, and how) which confirm the truthfulness of "some" aspect of the source's statement.

#### 61020.9.1 Confidential Material/Reliability of Source

No decision shall be based on information from a confidential source unless other documentation corroborates the information received from the source, or unless the circumstances surrounding the event and the documented reliability of the source satisfies the decision maker(s) that the information is true.

The description of the "circumstances" shall state how it was possible that the events occurred as described by the confidential sources, and include any facts or evidence (who, what, when, and how) which confirm the truthfulness of "some" aspect of the source's statement.

A confidential source's reliability may be established by any one of the following:

- The source has previously given information which proved to be true. The type of information provided and, if possible, the date the information was provided, (e.g., the CDC Form 128-B dated 3-2-01 in which the inmate informed staff on the location of weapons which were subsequently found).
- Multiple sources independently provide the same information. If two or more reliable informants give conflicting information, staff must provide a statement explaining why information provided by one source is more reliable than that provided by another. If two or more sources give conflicting information and all sources have not been determined to be reliable, then further efforts must be undertaken to determine the reliability of at least one source.
- The source implicates him/herself in criminal activity when providing the information. For example, a drug trafficker who identifies others and in doing so implicates him/herself.
- Part of the information provided is corroborated through investigation or by information provided by non-confidential sources. For example, a source provides information on the location of a weapon and the person responsible, and the location of the weapon proves true.
- The confidential source is the victim.

Note: Extreme care shall be taken to ensure that the evaluation of reliability does not reveal the identity of the confidential source.

**61020.10 Confidential Material Folders**

A removable confidential materials folder shall be provided in each C-file containing confidential information. Only case information, which meets the criteria for confidentiality shall be filed in the confidential material folder.

Proposed confidential documents shall be reviewed, signed, and dated by a staff person at the Correctional Counselor (CC) III, Parole Agent (PA) III or higher staff level to approve their being marked confidential and placed in the confidential folder of an inmate's or parolee's C-file or a parolee's parole field file.

**Classification Committee**

Every classification committee shall review the confidential material folder of each case being considered. If unclassified or inappropriately classified material is present, it shall be reclassified and appropriately refiled.

**61020.11 Confidential Material Security**

**Every reasonable administrative, procedural, and physical safeguard shall be established and followed to ensure the security and confidentiality of files to protect against disclosure, damage, harm to an individual, or destruction of the information.**

**Hand Deliver**

Material designated as confidential shall be either hand delivered by a staff person to the person responsible for placing it in the confidential folder of the C-file or parole field file, or it shall be placed inside of a sealed envelope which has been marked confidential and mailed to the office which maintains the C-file or parole field file.

**Stamped "CONFIDENTIAL"**

Any document designated as containing confidential information, either in total or in part, shall be conspicuously stamped at the top and bottom of the document with the word "CONFIDENTIAL" in red ink. If the document consists of more than one page, each page shall be so marked.

**Authorized Limited Disclosure**

Inmate/parolees shall be permitted to review their own debriefing reports, which may be designated confidential at their request. Disclosure of the debriefing report shall be authorized by the gang coordinator/investigator. Disclosure of reports other than debriefing reports shall be authorized by a CCIII, PAIII, or higher. Prior to the inmate/parolee's review, the report shall be reviewed by appropriate staff to ensure other types of confidential information are not contained therein and subsequently wrongfully disclosed.

**61020.12 Archive File Reviews**

To ensure accurate classification and appropriate placement of inmates, available information regarding an inmate's prior incarceration is to be reviewed and considered as part of a thorough, objective evaluation of the inmate's security and custody needs. The counselor shall order and review an archive file upon discovery that the inmate has a prior CDCR term, Civil Addict commitment, or Division of Juvenile Justice/California Youth Authority (DJJ/CYA) commitment, which has not been previously reviewed and incorporated into the inmate's current C-file. An inmate may have a prior Civil Addict commitment that is still active. The central file of an active Civil Addict commitment can be requested from the California Rehabilitation Center (CRC).

If the inmate was incarcerated in a federal institution or out-of-state, an attempt shall be made to get a synopsis of the inmate's prior incarceration behavior. If the inmate has a prior CDCR term or Civil Addict commitment, the counselor shall also check the "COFQ" screen in the OBIS to determine if there is a confidential folder to request.

Archive files often contain critical information, which may or may not be found in an inmate's current C-file. Some examples are as follows:

- Enemy concerns.
- Escape history.
- Gang involvement.
- Investigative findings.
- Serious Rule Violation Reports.
- A "Sustained" petition from a juvenile court (which may be located in a DJJ/CYA file only).
- A finding of "Good Cause" by the Board of Parole Hearings (BPH).
- Medical information.
- Victim notification (which would be located in the confidential folder).

Performance of archive file reviews may result in a need to correct the Placement Score, change the security level, and/or refer the case to the CSR for transfer consideration. Inmates temporarily ineligible for Camp/Minimum Support Facility (MSF) placement due only to Placement

Score may become eligible after completion of the archive file review. Conversely, inmates may appear to be eligible for Camp/MSF placement; however, the archive file may reflect case factors which exclude Camp/MSF placement.

**61020.12.1 Impact of Archive Review on Camp/MSF/CCRC Placement**

If an archive file review is pending completion and the inmate is otherwise eligible for Camp/MSF placement, the case may be endorsed by a CSR for Camp/MSF (not direct placement). After a thorough review of available case information, a classification committee has the discretion to grant minimum custody and place an inmate into a Camp/MSF prior to receipt and completion of the archive file review. If the committee finds no precluding factors for Camp/MSF and there are no concerns to warrant waiting for the archive file review, the committee may grant minimum custody and clear the inmate for Camp/MSF placement.

However, when there is a possibility of a case factor contained in the archive file that may preclude Camp/MSF eligibility, the Archives Unit shall be informed of the need to expedite the request for the archive file.

Do not endorse a case for CCRC placement pending archive review.

**61020.12.2 Archive File Review Procedures**

The counselor shall review the inmate's current criminal history through the California Law Enforcement Telecommunication System (CLETS) and the Criminal Identification and Information (CI&I) to determine if there is a discharged CDCR term, Civil Addict commitment, DJJ/CYA commitment, federal term, or out-of-state term, which has not been previously reviewed and documented.

If the inmate has a discharged CDCR term or Civil Addict commitment and the archive file has not been previously requested, the counselor shall complete the Request for Discharged Archives Files. The request shall include the inmate's full name, current CDC number, discharged CDC number, box number (assigned to discharged cases beginning in the late 1990's), and discharge date. Discharge dates can be obtained from the OBIS "COFQ" screen or CLETS/CI&I. Box numbers can be obtained from the OBIS "KMHQ" screen. Pursuant to Penal Code (PC) § 1203.03 ("Z" cases), records on diagnostic cases are not available after three years from the discharge date. (Note: When an inmate's CDCR term is discharged, the parole region indicates in the OBIS "KMHQ" screen the box number in which the Central File is placed. Indicating the box number, when noted on the request form, assists the Archives Unit in locating the C-file.)

The "COFQ" screen in OBIS shall be checked to determine if there is a confidential folder under the discharged CDC number. If there is a confidential folder, the counselor shall complete the Request for Discharged Confidential Folder form. The request shall include the inmate's full name, current CDC number, discharged CDC number(s), discharge date, and CI&I number.

If the inmate has a discharged DJJ/CYA commitment and the DJJ/CYA file has not been previously requested and reviewed, the counselor shall complete the DJJ/CYA file request.

NOTE: DJJ/CYA archive files are no longer available if the DJJ/CYA commitment has been discharged for seven (7) or more years.

The counselor shall complete the Notice of Requested Archive File, Confidential Folder, or DJJ/CYA File half-sheet, punch holes, and place it inside the back of the C-file folder where the archive file is normally located. This will be utilized to ascertain whether or not the archive file, confidential folder, or DJJ/CYA file has been requested. The counselor shall complete a separate half-sheet for each archive file, confidential folder, or DJJ/CYA File requested.

If an archive file, confidential folder, or DJJ/CYA file has been requested but not received prior to completion of the Institution Staff Recommendation Summary (ISRS), the RC counselor shall note the discharged number and date the archive file was requested in the Casework Follow-up section of the ISRS.

The counselor shall submit the request for the archive file, confidential folder, or DJJ/CYA file to the Records Office. The Records Office shall FAX the request to the appropriate destination (as indicated on the request form) within seven (7) days. If the archive file, confidential folder, or DJJ/CYA file is not received within 90 days, the counselor shall call the Archives Unit, ID/Warrants Unit, or DJJ/CYA Master Files Section to determine if the request needs to be sent again.

If applicable, federal institutions and out-of-state agencies shall be contacted by the counselor. Any information provided, whether written or oral, shall be summarized and documented in a CDC Form 128-B. (Note: The Archives Unit does not maintain records on Interstate "I" numbers. A C-file

for an "I" number does not exist. An "I" number is on parole here in California serving parole that was imposed by another state. An "I" number has never served any prison time in California. Therefore, when requesting records on "I" numbers, the out-of-state agency shall be contacted by the counselor.)

Each time a counselor makes contact with another agency (federal, state, county, etc.) requesting records or receiving information on an inmate's prior incarceration behavior, it shall be documented in a CDC Form 128-B. This will ensure that staff reviewing the case are aware of the information and any efforts that have been made to obtain the information.

Upon receipt of the Archive File, Confidential Folder, or DJJ/CYA File, the counselor shall review the file for information that may affect the inmate's Placement Score, housing, custody, program, medical/psychiatric needs, or any other pertinent factors.

The counselor shall summarize the information compiled from the archive file review in a CDC Form 128-B and secure it in the C-file. A pre-formatted Archive File Review, CDC Form 128-B may be used to document the archive file review.

Upon completion of the archive file review, confidential folder review, or DJJ/CYA File review and documentation in a CDC Form 128-B, the counselor shall update or correct the appropriate documentation in the current C-file including, but not limited to, the following:

- Documentation of enemies on the CDC Form 812 and/or CDC Form 812C, Notice of Critical Information-Confidential Enemies;
- Incorporation of confidential information into the current confidential folder;
- Correction of the CDC Form 839, CDC Classification Score Sheet, and CDC Form 840, CDC Reclassification Score Sheet, and CDC Form 841, Readmission Score Sheet.

If the archive review results in a need to change the inmate's housing, program, custody, or security level, the counselor shall schedule the case for review by the next available classification committee. If a safety/security issue is identified, the counselor shall immediately notify the CCII (Supervisor) and/or available supervisory custody staff and ensure the appropriate action is taken.

The Records Office shall maintain security of DJJ/CYA files until returned to the DJJ/CYA. Note: DJJ/CYA files are to be returned to DJJ/CYA within 30 days of receipt.

CDCR archive files and archive confidential folders are not to be returned to the Archives Unit or ID/Warrants Unit. They are to be permanently retained in the current C-file.

If an archive file is received for an inmate that has been transferred, Records Office staff shall forward it to the inmate's current institution immediately.

If the archive file is received at the RC prior to the case being reviewed by the CSR, the archive file review, documentation in a CDC Form 128-B, and necessary updates and corrections to the C-file shall be completed at the RC to ensure the recommendation to the CSR is appropriate. If it is discovered that an archive file was not requested at the RC, the receiving institution shall submit the request.

With the exception of RC cases, all cases presented to the CSR for transfer consideration that have a discharged CDCR term, Civil Addict commitment, or DJJ/CYA commitment require completion of the archive file review and documentation in the C-file. If the archive file review has not been completed prior to the CSR review, the effort to obtain it and the reason the case is being referred to the CSR prior to the archive file review shall be described in the CDC Form 128-G, Classification Chrono.

#### **61020.13 CDC Form 840**

Classification and reclassification of inmates will normally be made pursuant to the CDC Inmate Classification Scoring System except when in the exercise of the discretion and judgment of the departmental officials it is deemed necessary to depart there from in individual cases. Such departures from the system shall be made for the purpose of ensuring the safety of inmates, correctional personnel, and that of the general public as well as for special institutional and/or programming needs.

##### **61020.13.1 Procedures**

A CDC Form 840 shall be completed as part of the regular classification process and anytime the case is presented to a CSR or when staff act for a CSR. It is intended to provide a cumulative record of the inmate's progress and changes in major case factors. Changes are documented at six or 12-month intervals except that a major change, which can lead to special housing or transfer consideration, shall be documented as it occurs.

The CDC Form 840 contains two carbonless copies and shall be written on a hard surface with black ballpoint pen. Do not use felt tip markers or soft-point writing instruments. The computer copies shall be sent at least weekly to:

Department of Corrections and Rehabilitation  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

Distribution of the "tear-off" copies is made before the C-file is re-filed, except when the case is to be presented to a CSR for review.

Copies shall remain attached to the original until the CSR action is documented and then shall be distributed.

#### **Retain**

The CDC Form 839, CDC Form 840s, and CDC Form 841s shall remain in the C-file and are not to be purged.

#### **61020.14 Updating for Regular Reclassification Review**

The first CDC Form 840 shall be completed 12 months after the date the inmate was received in the CDCR and annually thereafter. The annual review committee hearing may be conducted thirty days prior to the inmate's Review Period Ending Date, during the month due, or thirty days after that date.

No matter when the committee hearing is held, the inmate's previously established review period dates shall remain the same.

If the inmate's annual review is conducted prior to the established Review Period Ending Date, it provides for the possibility that serious negative behavior or below-average performance could occur subsequent to the annual review committee hearing, but prior to the Review Period Ending Date. If that does occur, a reevaluation of the inmate's score as documented on the CDC Form 840 shall be necessary, and may require a correction to that score sheet.

When a CDC Form 840 is being prepared for a classification hearing for transfer consideration, the counselor shall determine the Favorable Behavior points to be awarded based on the number of six-month review periods to be considered. Unfavorable Behavior shall also be documented if not already recorded on a prior score sheet. These updates shall be done regardless of the inmate's housing. For example, an inmate's placement in a Security Housing Unit (SHU) shall not preclude adjustments to the inmate's score for Favorable or Unfavorable Behavior and shall not preclude the inmate's annual review committee hearing.

The inmate shall be given a copy of the CDC Form 840 after the review is completed.

The current Placement Score shall be recorded on the CDC Form 128-G documenting the committee's action.

#### **Out of Level Placements**

If the inmate's current Placement Score is within a different security level than that of the facility where he or she is housed, the counselor shall check the last CSR Action recorded on previous score sheets and/or CDC Form 128-G for any "Administrative or Irregular Placement" approval. If no approval is noted, the case shall be presented to the next CSR for evaluation. An out-of-level placement involving an override down for an inmate with a Level II Placement Score who is otherwise eligible for MSF or Secure Level I placement at that institution shall not require review and endorsement by a CSR. The institutional C&PR shall review and endorse the case. The C&PR is authorized to apply the administrative determinant or irregular placement code of WOR to justify an override of the inmate's Level II Placement Score to house that inmate in the MSF or Secure Level I at that institution when the C&PR finds the inmate to be otherwise eligible at that institution for MSF placement or Secure Level I placement.

Where an approval is noted, and the inmate's adjusted Placement Score moves him or her to another security level designation, the case shall be presented to the CSR for transfer evaluation. A CSR approval for "Administrative or Irregular Placement" is valid only as long as the inmate's Placement Score remains within the same security level as when the approval was given. An inmate shall not remain at a facility with a security level that does not match his or her placement score level unless approved by a CSR or other authorized endorsing authority.

#### **61020.15 CSR Review for Placement or Transfer Endorsement**

Cases submitted to a CSR for transfer consideration must have a new CDC Form 840. Each inmate transferred will have a current Placement Score, so the receiving institution does not need to do a review until the appropriate period of time has lapsed.

Whenever a case is presented to a CSR or authorized staff for placement or transfer endorsement, an updated CDC Form 840 shall be provided in the C-file with the CDC Form 128-G, which makes the referral.

An updated CDC Form 840 is not required for the CSR approval of the following temporary placements:

- Placement in an ASU Hub.
- Placement in a Mental Health Crisis Bed.
- Medical and Return Transfers.
- Approval of an ASU Extension.

After the CSR's review and completion of the Classification Staff Representative section, detach and distribute one copy each to the inmate and Information Quality Support Section before filing the original in the C-file.

#### **Resubmittal to CSR**

When a case is resubmitted to a CSR to appeal the endorsement decision of another, a new CDC Form 840 is required as each submittal is a separate transaction. Distribute the copies of the CDC Form 840, which contain the original CSR action, regardless of the second CSR's decision. This will close out the first transaction.

Do not reassess points for negative or positive behavior from the previous CDC Form 840. Indicate only new information since last review.

#### **CSR Endorsement**

A CSR endorsement shall remain effective for 120 days from the date of endorsement.

If an inmate is not transferred within 120 days from the date of CSR endorsement, the endorsed case awaiting transfer shall be again presented to a CSR prior to the 121st day for a 120-day extension of the endorsement if there is no change to case factors and the endorsement remains appropriate.

Each request for a 120-day extension of an endorsement shall be documented on a CDC Form 128-G and requires confirmation that the CCI and the CCII Supervisor audited the central file; updated the CDC Forms 840, 812, 812-C (if applicable); verified that case factors impacting the appropriateness of the CSR endorsement have not changed; and confirmed that the initial CSR endorsement remains appropriate. The CCI's review and CCII Supervisor's authorization for endorsement extension shall serve as a classification action. The CCI and CCII shall sign and date the CDC Form 128-G.

The request for a 120-day extension of a CSR endorsement shall not require review by a Unit Classification Committee (UCC) or Institutional Classification Committee (ICC) unless case factors change or other information is identified which renders the CSR endorsement to be no longer appropriate.

An endorsed case awaiting transfer may be extended no more than twice beyond the initial 120-day period.

Upon discovery of information that a CSR endorsement is no longer appropriate, the institution shall not allow the transfer to occur. The case shall be referred for UCC or ICC, as appropriate, to determine appropriate placement. The UCC or ICC shall substantiate placement recommendation and refer the case for transfer consideration or retention in current placement.

#### **61020.16 Processing Inmates Through a Different Facility Than CSR Approved**

Inmates endorsed by a CSR to a subfacility of an institution complex may be received and processed through a higher security level unit. Such cases are to be transferred to the subfacility at the first opportunity or, when beds are not immediately available, placed on a waiting list. If a classification committee discovers special case factors, which prohibit movement to a lower security level, the case shall be presented to a CSR within 30 days for further evaluation. Any such case not presented to a CSR shall be on an approved waiting list.

#### **61020.17 Transferring Inmates Between Facilities in the Same Complex**

Transfer of inmates for more than 30 days between different security level subfacilities of an institution complex requires the same procedure as transfers between institutions. However, the C&PR is delegated the authority to act as a CSR when the facility security level conforms to the inmate's Placement Score or when an inmate with a level II Placement Score is being placed in the level I facility (MSF or secure level I) at that institution. The C&PR shall endorse the case and record WOR as the code for the Reason for Administrative or Irregular Placement on the appropriate score sheet.

To exercise this authority, the C&PR shall complete the CSR section as a CSR. No CSR approval is required for movement between subfacilities at the same level.

#### **61020.17.1 Transferring Inmates to an Institutional Hearing Program (IHP)**

The C&PR at each institution, CCF, or MCCC is responsible to review and endorse all appropriate inmates to the IHPs during the final 30 to 45 days of their incarceration to facilitate a deportation hearing by federal immigration judges. Inmates with active United States Immigration and Naturalization Service (USINS) detainees, who are housed in general population housing, are to be considered for transfer to IHP. Cases endorsed for transfer must be within 45 days of parole. RC cases may be transferred up to 15 days prior to parole.

The determination of which IHP site is selected should be based upon a combination of the inmate's case factors, Placement Score, Mental Health Services Delivery System (MHSDS) designation, as well as bed availability and transportation scheduling.

The C&PR shall complete a CDC Form 128-G and a CDC Form 840. The Institution Approved is to be designated as RJD-INS, CEN-INS, or CAL-INS and "HOL" is to be entered as the Reason for Administrative or Irregular Placement.

#### **61020.18 Presenting SHU Cases for CSR Placement**

A new CDC Form 840 is required when cases are presented to a CSR for release or retention after expiration of a term of determinate confinement or a stay of one-year indeterminate status in a SHU.

#### **61020.19 Instructions for Completing the CDC Form 840**

##### **General**

The CDC Form 840 shall be completed as part of the regular reclassification process. It is intended to provide a cumulative record of the inmate's institutional adjustment and changes in case factors. A CDC Form 840 shall also be completed upon the return of an escapee or receipt of a Community Correctional Reentry Center (CCRC) failure.

Begin the CDC Form 840 review process by locating the most recent score sheet. Note the Preliminary Score (on the CDC Form 839) or most current New Preliminary Score (on the CDC Form 840/841), any special case factors, and the dates of the last review period.

An inmate whose parole is revoked because he/she refused to sign conditions of parole shall be re-scored on a CDC Form 841, Readmission Score Sheet, not on a CDC Form 840. On the CDC Form 840, box numbers appear to the right, but refer to the first box on the left of each field.

##### **61020.19.1 Identifying Information**

##### **CDC Number (Boxes 1-6)**

At the bottom of the CDC Form 840, first enter the inmate's CDC number as obtained from the Legal Status Summary.

Print the letter prefix (for example P or W) in the first box. Enter the numbers in the remaining five boxes, Boxes 2-6, always ending in Box 6. Do not enter a letter in a number box. Example:

P-45678

P	4	5	6	7	8
---	---	---	---	---	---

##### **Inmate's Last Name (Boxes 7-11)**

Print the first eight letters of the inmate's last name in CAPITAL BLOCK letters. Do not use lowercase or written script letters. Letterboxes are left-hand justified. Start printing the name in the box furthest to the left and end with any empty boxes on the right.

If the name consists of more than eight letters, print the first eight letters of the name and omit the remaining letters. Although eight boxes are provided on the score sheet, the database captures only the information in Boxes 7-11 or the first five letters entered. For names with less than eight letters, leave the remaining boxes to the right empty. If the last name is two words, run the words together. Do not leave an empty box in between letters. Example:

Mac Knight

M	A	C	K	N	I	G	H
---	---	---	---	---	---	---	---

##### **Date Completed (Boxes 12-17)**

Enter the date that the CDC Form 840 is being completed as a "New" document as the Date Completed. The database organizes data from the CDC Form 840 based on the Date Completed.

If the CDC Form 840 is being completed as a correction document or to delete a previously submitted CDC Form 840, enter the Date Completed as it appears on the original document. A zero need not be entered before the month or day, but if applicable, enter a zero as part of the year.

Example: January 8, 2002

	1		8		0	2
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### Date of Last Score Sheet (Boxes 18-23)

Enter the date of the most recent classification score sheet in the C-file. A zero need not be placed in front of the month or day, but if applicable, enter a zero as part of the year.

Use the date of the last score sheet to identify the most recent score sheet in the C-file and organize the score sheets in chronological order to prevent tracking errors and ensure continuity.

### Form Identification (Boxes 24-32)

At the top of the score sheet, three blank boxes are labeled "New," "Correction," and "Delete." Print an "X" in the appropriate box.

- Print an X in the "New" box (Box 24) if a new CDC Form 840 is being prepared.
- Print an X in the "Correction" box (Box 25) to correct a previously submitted CDC Form 840.
- Enter the date that the correction is being prepared in the "Date Corrected" Boxes 26-31.
- Print an X in the "Delete" box (Box 32) to delete a previously submitted CDC Form 840.

Additional information regarding preparation of "correction" and "deletion" documents is noted in DOM § 61020.20.9 and DOM § 61020.20.10.

### 61020.19.2 Annual/6 Month Review Period Dates (Boxes 33-45)

An inmate's case shall be reviewed at least annually to consider the accuracy of the inmate's Placement Score, custody designation, program, work and privilege group, and facility placement, including recommendation for transfer.

Review Periods are to be recorded in precise six-month increments of time. The six-month intervals establish the period of time in custody for which, Placement Scores are adjusted based on favorable behavior. If a CDC Form 840 is being prepared within 30 days of a Review Period Ending Date for a six-month interval, then the complete six-month review period in custody shall be recorded. For an annual reclassification review, two six-month review periods may be counted.

If six months in custody has not elapsed since the inmate's Review Period Beginning Date, leave this Section blank.

For an annual review, count two six-month review periods in custody. When updating an inmate's score in custody for the purpose of an annual review, place an "X" in the Annual box (Box 39).

### Determining the Annual/6 Month Review Period Dates

Review Period Beginning Date:

- If the inmate's Review Period Dates have not already been established, then the inmate's Review Period Beginning Date is either the date received at the reception center (RC) or the first day of the last month considered for favorable behavior points, whichever is the most recent.

Enter the Review Period Beginning Date in Boxes 33-38.

Review Period Ending Date:

- The Review Period Ending Date is determined by adding six months or 12 months to the Review Period Beginning Date and subtracting one day.

Enter the Review Period Ending Date in Boxes 40-45.

For subsequent reviews, the Review Period Beginning Date shall be the previous Review Period Ending Date plus one day.

Inmate Example's Review Period Beginning Dates:

- Inmate Example was received in a CDCR RC on 10-12-02. This date is the Review Period Beginning Date for the first review period. The only acceptable Review Period Beginning Dates thereafter are 10-12 or 4-12. Only the year will change as time progresses until the inmate paroled.

Inmate Example's Review Period Ending Dates:

- For inmate Example, the only acceptable Review Period Ending Dates are 10-11 or 4-11. Only the year changes until the inmate paroled.

When a six-month review period in custody ends in February and the date calculated is 29 or 30, use February 28 as the Review Period Ending Date. For leap year, use February 29.

Except for the instance noted above, once the Review Period Dates are established, the month and day remains the same. Only the year changes as

time progresses until the inmate paroled. Whether a classification committee hearing is held earlier or later, an inmate escapes from custody, returns from out-to-court, or returns from release on appeal bond, the month and day of the Review Period Dates remain the same.

The Review Period Dates change when the inmate paroled and subsequently returns as an RTC or WNT. (See DOM § 61020.20.2 for Readmission Review Period Calculation.)

- An inmate who refuses to sign conditions of parole and whose parole is revoked by the BPH, shall be re-scored on a CDC Form 841, not a CDC Form 840.

Number of Full Review Periods:

- For item number B4, record the number of six-month review periods being considered for Favorable Behavior on the line provided.

### 61020.19.3 Favorable Behavior Since Last Review

This Section shall be used for recording and calculating in custody favorable behavior points.

- Favorable behavior points are to be considered for each six-month review period for the categories noted below. For an annual reclassification review, two six-month periods shall be considered.
- When a CDC Form 840 is prepared within 30 days of a six-month Review Period Ending Date, favorable points shall be applied if the inmate is within 30 days of successfully completing the six-month review period and is otherwise eligible to receive favorable points at the end of that six-month review period. However, in such cases, should the inmate be found guilty of a serious disciplinary violation or found to not meet the criteria for favorable behavior points for the review period, a correction to the favorable behavior points shall be required.

### Continuous Minimum Custody (Boxes 46-47)

Consider the inmate's eligibility for favorable behavior points for the Continuous Minimum Custody category when the inmate is in custody and the Minimum Custody status being evaluated occurred during, and includes, the review period dates recorded in the Annual/6 Month Review Period Dates section of the CDC Form 840 score sheet.

Apply favorable behavior points for the Continuous Minimum Custody category when the inmate is assigned Minimum Custody for every day of the six-month review period being evaluated. To evaluate this item, review CDC Form 128-Gs.

When the inmate's Minimum Custody assignment is interrupted during the six-month review period being evaluated, through no fault of the inmate, apply favorable points for only that interrupted six-month review period.

Unless the inmate was reassigned Minimum Custody on the first day of or prior to a subsequent Review Period Beginning Date, do not apply favorable behavior points for a six-month review period beyond the interrupted period.

If the inmate is housed in another jurisdiction during a six-month review period being considered, the counselor shall review the documents provided by the agency to determine if favorable points are appropriate. Favorable points shall be applied if documentation of assignment to Minimum Custody is provided by the agency.

Apply four (4) favorable behavior points for each six-month review period in custody for which the inmate qualifies.

### No Serious Disciplinary (Boxes 48-49)

Consider the inmate's eligibility for favorable behavior points for the No Serious Disciplinary category when the behavior being evaluated occurs during, and includes, the review period dates recorded in the Annual/6 Month Review Period Dates section of the CDC Form 840 score sheet.

Apply favorable behavior points when the inmate has not committed a serious disciplinary violation in custody during any day of the six-month review period. In order to be held accountable for a serious disciplinary violation, the inmate must have been found guilty of behavior identified as serious per CCR § 3315.

Apply favorable behavior points for the No Serious Disciplinary category even though the inmate was incarcerated in another correctional agency (e.g., county jail, state or federal institution) during the review period evaluated and there is no evidence or documentation of serious disciplinary behavior.

Upon evidence of serious disciplinary behavior while the inmate was incarcerated in another correctional agency, the documentation shall establish that the inmate was determined to be guilty of conduct described as serious per CCR § 3315 in order to disqualify the inmate for consideration of favorable behavior points for the review period.

Apply two (2) favorable behavior points for each six-month review period in custody for which the inmate qualifies.



### **Average or Above Performance in Work, School, or Vocational Program (Boxes 50-51)**

Consider the inmate's eligibility for favorable behavior points for the Average or Above Performance in Work, School, or Vocational Program category when the Average or Above Performance status being evaluated occurred during, and includes, the review period dates recorded in the Annual/6 Month Review Period Dates section of the CDC Form 840 score sheet.

Consider favorable behavior points for the Average or Above Performance category only when the inmate is in custody, assigned to a work incentive assignment, and reported on the first day of or prior to the first day of the six-month review period being evaluated.

When the inmate's work, school, or vocational program assignment is interrupted during the six-month review period being evaluated, through no fault of the inmate, consider favorable points for only that interrupted six-month review period. Do not apply favorable behavior points for six-month review periods beyond the interrupted six-month review period unless the inmate again reports to a work incentive assignment on the first day of, or prior to, the next review period beginning date.

An unassigned inmate who received an assignment from the inmate assignment office during a lockdown period, but has been unable to report to that assignment due to the lockdown, is not eligible for favorable behavior points for the Average or Above Performance category for that six-month review period. The inmate shall continue to earn Work Incentive Credit, but is not eligible to be awarded favorable behavior points if not participating in a program.

Favorable points shall not be applied for Average or Above Performance in Work, School, or Vocational Program to an inmate not assigned to a program.

Note: An inmate earns Work Incentive Credit once assigned to a fulltime work, school, or vocational program. However, favorable behavior points are based on inmate performance in custody.

Consider favorable behavior points for an inmate in custody who is reassigned or continued in a work, school, or vocational program who reports to a work, school, or vocational program on or prior to a subsequent review period beginning date.

Combine part-time assignments within the same six-month review period which, when work/program hours are added together, are equivalent to a full-time assignment.

To determine eligibility for favorable points, review CDC Form 128-Gs, CDC Form 101, Work Supervisor's Report, or CDC Forms 128-D, E, and F, Chrono-Education/Vocational.

If the inmate was in custody, but housed in another jurisdiction during the six-month review period being evaluated, consider favorable behavior points only if documentation of an assignment is provided by the agency. Review the documents provided by the agency to determine if favorable behavior points are appropriate.

If staff in the CDCR or another agency did not document the inmate's performance and the inmate continued to be assigned, continued to report to the assignment and there is no disciplinary documentation, apply favorable behavior points for this review period. In the absence of staff documentation of the inmate's performance, apply favorable points liberally. In other words, an isolated record (e.g., a CDC Form 128-A, Custodial Counseling Chrono) and no other indication of less than average performance shall not preclude the application of favorable points for the review period.

Apply two (2) favorable behavior points for each six-month review period if the inmate's in custody performance is rated "average" or "above average."

#### **Annual/Six Month Review Periods**

Annual/Six Month Review Periods are established as a standard period of time to measure in custody behavior warranting favorable behavior points.

An inmate's six-month review period is identified by the six-month period of time in custody between and including the Review Period Beginning Date and the Review Period Ending Date.

#### **Interrupted Period**

An "interrupted period" is a six-month in custody review period that is interrupted on or after the Review Period Beginning Date by a change to the inmate's assignment to Minimum Custody and/or the inmate's performance in a Work, School or Vocational Program.

#### **"Through No Fault of the Inmate" as it pertains to an Interrupted Period**

"Through no fault of the inmate" as it pertains to an interrupted period is a situation, which disrupts the inmate's assignment, custody, or placement,

based on a decision outside of the inmate's control and the circumstances of the interruption are not within the responsibility of the inmate.

- Examples of "through no fault of the inmate" are:
  - The inmate is transferred out to court.
  - The inmate is placed on 'S' time pending parole.
  - The inmate is placed in administrative segregation pending investigation and/or disciplinary action and later released with no finding of guilt.
  - The inmate is housed in a Minimum Support Facility (MSF) and learns of a death in the family. Staff re-houses the inmate in a more secure facility pending evaluation of the inmate's escape potential.
- Examples of interruptions that are the fault of the inmate:
  - The inmate comes to staff and asks to be "rolled up" to administrative segregation. The inmate explains that he has a drug debt that he can't pay and stated that he can't stay in the general population.
  - The inmate has become disruptive in school and is removed from his assignment by a classification committee.

#### **Total Favorable Points**

Add the points for C1 through C3 and enter the number. Note that it is a negative value.

#### **61020.19.4 Unfavorable Behavior Since Last Review**

Locate the disciplinary section of the C-file and note if the inmate was found guilty of misbehavior rated as "serious" rather than "administrative." In the space provided, write the date of the disciplinary report for all "serious" disciplinary reports that have not yet been included.

When recording Unfavorable Behavior Since Last Review, the documentation shall establish that the inmate was determined to be guilty of conduct described as "serious" per the CCR § 3315. Such behavior may be documented by means other than a CDC Form 115. For example, an assault on another inmate in jail or distribution of drugs in jail may be documented by a report from the sheriff.

Unfavorable behavior points are to be recorded only when the unfavorable behavior being evaluated occurred between any of the inmate's current or previous Annual/6 Month Review Period dates and/or previous Readmission Review Period Calculation dates.

Therefore, when it is determined that the serious disciplinary behavior did occur between the inmate's current or previous Annual/6 Month Review Period Dates and/or previous Readmission Review Period Calculation dates and the disciplinary has not been recorded on a prior score sheet, the disciplinary can be recorded on a new CDC Form 840 or CDC Form 841 outside of the review period dates recorded on that score sheet.

Note: A correction to previously applied favorable points for No Serious Disciplinary is necessary if the inmate is later found to be guilty of a serious disciplinary violation committed during a review period for which favorable points for No Serious Disciplinary had been previously granted.

#### **Serious Disciplinary (Boxes 52-69)**

The counselor shall apply eight (8) points for each guilty finding for a Division A-1 or A-2 offense in Boxes 52-53.

The counselor shall apply six (6) points for each guilty finding for a Division B, C, or D offense in Boxes 54-55.

The counselor shall apply four (4) points for each guilty finding for a Division E or F offense in Boxes 56-57.

Count the number of disciplinarys and multiply by the appropriate point value and enter the total in the appropriate boxes. The maximum number of points to be assessed for each individual category is 99.

A single disciplinary may result in the assessment of points under more than one different category. If the inmate was found guilty of the described behavior, enter the date of the disciplinary and assess the points associated with that behavior.

When the behavior in an incident falls under more than one category, assign the points for each appropriate category. For example, if the inmate is found guilty for battery on another inmate with a deadly weapon causing serious injury, that one act shall be noted on the CDC Form 840 in items:

- Item D1, Division A offense = 8 points
- Item D3, Battery on an inmate = 4 points
- Item D5, Possession of a deadly weapon = 16 points
- Item D7, Battery causing serious injury = 16 points

For this serious disciplinary, the inmate is assessed a total of 44 points.

Example: If a CDCR inmate, while in the county jail, is found guilty of distribution of drugs (trafficking narcotics), the inmate shall be assessed points as follows:

- Item D1, Division A-2 offense = 8 points
- Item D4, Distribution of Drugs = 4 points

For this serious in-custody offense, the inmate is assessed a total of 12 points.

#### **Battery or Attempted Battery on A Nonprisoner (Boxes 58-59)**

Include any battery on a nonprisoner or attempted battery on a nonprisoner.

Count the number, multiply by eight (8), and enter the total.

#### **Battery or Attempted Battery on an Inmate (Boxes 60-61)**

Include any battery on an inmate or attempted battery on an inmate.

Do not include mutual combat where both inmates were co-responsible.

Include situations where one or more inmates is clearly the victim. Usually results in some injury that may involve a group attack or some type of weapon.

Count the number, multiply by four (4), and enter the total.

#### **Distribution of Drugs (Boxes 62-63)**

This refers to inmates who are involved in an operation to smuggle any controlled substance into an institution, facility, or jail for distribution and sales.

Do not count a disciplinary determination in which the inmate was found guilty of possessing a small quantity of drugs or being under the influence.

Count the number, multiply by four (4), and enter the total.

#### **Possession of a Deadly Weapon (Boxes 64-65)**

Include only well-documented instances of manufacturing or possessing a deadly weapon where apparent use is intended.

Except as noted below, do not include possession of commonly available and unmodified objects, unless they are used as weapons and this fact is documented in the disciplinary hearing process. For example, hobby craft tools, common shop tools, and baseball bats are not considered deadly weapons unless their use, or intent for use, as such is clear.

- Include possession of a razor blade (whether modified or not) in a segregated program housing unit (e.g., Ad Seg Unit, SHU, Psychiatric Services Unit).

Count the number, multiply by sixteen (16), and enter the total.

#### **Inciting a Disturbance (Boxes 66-67)**

Typically this involves a leadership role in an institution/facility riot, racial disturbance, or work strike.

Include any willful and deliberate behavior, which may have led to violence or disorder, and any willful attempt to incite others either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in the CCR § 3005.

Count the number, multiply by four (4), and enter the total.

#### **Battery Causing Serious Injury (Includes Conspiracy) (Boxes 68-69)**

Include any battery that caused serious injury.

Inmates who conspired in, or ordered such a battery shall receive the same points.

Serious injury is defined in CCR § 3000.

Count the number, multiply by sixteen (16), and enter the total.

#### **Total Unfavorable Points**

Add the points for items D1 through D7 and enter the value on the line provided.

A serious disciplinary, not previously recorded, can be entered on the CDC Form 840 even when the date of the disciplinary falls outside of the period of time recorded in the Annual/6 Month Review Period Dates section of the score sheet.

#### **61020.19.5 Correction to CDC Form 840 Score Sheet**

##### **(Prior to Rev. 07/02) (Boxes 70-72)**

Form 840 score sheet with a form revision date prior to Rev. 07/02. This area is not to be used to record Changes in Term Points or Net Change in Score.

See DOM §§ 61020.20.9 and 61020.20.10 for further instructions in the Correction and Deletion Process.

#### **61020.19.6 Computation of Score**

##### **Prior Preliminary Score (Boxes 73-75)**

The Prior Preliminary Score will be found on the most recent classification score sheet:

- If the CDC Form 839 is the most recent score sheet, enter the Preliminary Score value as recorded in Boxes 65-67.
- If the CDC Form 840 is the most recent score sheet, enter the New Preliminary Score value as recorded in the most recent CDC Form 840, Boxes 82-84.
- If the CDC Form 841 is the most recent score sheet, enter the New Preliminary Score value as recorded in the most recent CDC Form 841, Boxes 84-86.

##### **Net Change in Score (Boxes 76-78)**

Combine the Total Favorable Points (C4) and the Total Unfavorable Points (D8). The Net Change in Score can be a plus or minus value. The maximum number of points that can be entered for Net Change in Score on each CDC Form 840 is 99.

Because the Inmate Classification Score System database organizes data by the Date Completed, to accurately capture points beyond 99 in the Net Change, prepare one or more additional CDC Form 840s. Each CDC Form 840 is able to capture up to 99 points Net Change in Score for purposes of recording disciplinary history. Enter a different "Date Completed" for each score sheet.

Enter the appropriate negative or positive sign in the first box. Enter the total numeric value in the remaining boxes.

##### **Preliminary Score Subtotal (Item F.3.)**

Enter the Preliminary Score Subtotal on the line provided. The Preliminary Score Subtotal is the Prior Preliminary Score plus or minus the Net Change in Score.

Computations that result in a negative value shall be entered as zero.

##### **Change in Term Points (Boxes 79-81)**

Whenever an inmate receives a change in his or her total term length, enter the change on the CDC Form 840. If an inmate's status changes from Parole Violator Returned To Custody (PVRTC) to Parole Violator With a New Term (PVWNT) after endorsement on the CDC Form 841, use a CDC Form 840 to record any change in term points. Do not correct the CDC Form 841.

Unless there is a change in the inmate's total length of term, do not recalculate Term Points.

To determine the Change in Term Points:

- Review the CDC Form 112 and the Legal Status Summary to determine if the new sentence has changed the total term length.
- If there has been a change to the length of the inmate's total term, review the original Term Point calculation on the CDC Form 839 and the Change in Term Points box on all subsequent score sheets before adjusting Term Points.
- Identify the current Term Points value and enter that value on the "Old T/P" line on the score sheet. This is a negative value.
- Use the Term Point equation of base term plus enhancements multiplied by two (2) to calculate New Term Points. Enter that value on the "+ New T/P" line on the score sheet. This is a positive value.
  - This term point value cannot exceed 50.
- Determine the difference between the old term points and the new term points. Enter either a plus (+) or a minus (-) sign in Box 79 and the numeric difference in Boxes 80-81.

When an inmate receives a change in the total term length, do not correct the Term in Years section of the original CDC Form 839 or the Change in Term Points section of the CDC Form 841; use the new CDC Form 840.

When an inmate's total term length is modified, the new term points shall be based on FULL YEARS of the new total term. Months are not included in calculating the new term point total.

EXAMPLES:

An inmate returned to court and had a prior term stricken, reducing his total term to 3 years.

- Old Term Points: -8
- New Term Points: +6 (3 yrs X 2)
- Change in Term Points= -2

An inmate receives an additional term, increasing his total term by 8 months, to 6 years 4 months.

- Old Term Points: -10
- New Term Points: +12 (6 yrs X 2)
- Change in Term Point= +2

An inmate receives an additional term, increasing his total term to 5 years 10 months.

- Old Term Points: -10
- New Term Points: +10 (5 yrs X 2)
- Change in Term Points = 0 No change in Term Points

In this case, there is no Change in Term Points because the new total term length does not affect the term point value.

An inmate is given a 16-month sentence (1 year 4 months) consecutive to his controlling offense. His original term was 8 years, and the new term is 9 years 4 months.

- Old Term Points: -16
- New Term Points: +18 (9 yrs X 2)
- Change in Term Points = +2

An inmate had his Life sentence reduced to a total term of 4 years.

- Old Term Points: -50
- New Term Points: +8 (4yrs X 2)
- Change in Term Points = -42

#### **New Preliminary Score (Boxes 82-84)**

Add or subtract the Change in Term Points value entered in Boxes 79-81 from the Preliminary Score Subtotal and enter that value in Boxes 82-84. The maximum value for the New Preliminary Score is 999. Although the New Preliminary Score is at the maximum value of 999, record any serious disciplinary behavior on subsequent score sheets. Computations that result in a negative value shall be entered as zero. The New Preliminary Score cannot be less than zero nor greater than 999.

#### **61020.19.7 Placement**

##### **Mandatory Minimum Score Factor:**

A Mandatory Minimum Score Factor is a case factor that requires the application of a Mandatory Minimum Score.

##### **Mandatory Minimum Score Factor Code (Box 85)**

A Mandatory Minimum Score Factor Code is an alpha code associated with a Mandatory Minimum Score Factor.

- If an inmate has a case factor that requires the application of a Mandatory Minimum Score Factor Code, enter the applicable code in Box 85. If more than one Mandatory Minimum Score Factor Code applies, enter the code that appears first on the list.
- Document the RC justification for applying a Mandatory Minimum Score Factor Code in the CDC Form 816 or ISRS, as applicable. When the Mandatory Minimum Score Factor is applied other than in the RC, justify application in a CDC Form 128-G.
- If eligibility for a Mandatory Minimum Score Factor Code requires "case-by-case" consideration, the case shall first be reviewed and evaluated by a classification committee before the Mandatory Minimum Score Factor Code is applied.
  - If the classification committee approves application of a Mandatory Minimum Score Factor Code, the classification committee shall describe the justification for applying the Mandatory Minimum Score Factor Code in the CDC Form 128-G, and refer the case for CSR review for the application of the Mandatory Minimum Score Factor Code.
  - A CDC Form 840 score sheet shall be prepared to record the CSR's action to apply the Mandatory Minimum Score Factor Code and Mandatory Minimum Score.
- Absent overriding security or safety considerations, cases pending further consideration to determine eligibility for a Mandatory Minimum Score Factor Code shall not be transferred, except from the RC until the application of a Mandatory Minimum Score Factor Code is resolved.

Determine if one or more of the case factors listed below apply to the inmate. If no factors apply, proceed to the instructions for Placement Score.

Prepare a new CDC Form 840 score sheet to record a change in or removal of a Mandatory Minimum Score Factor Code.

#### **Mandatory Minimum Score Factor Codes and Scores:**

<u>CODE</u>	<u>FACTOR</u>	<u>SCORE</u>
[A]	Condemned	52
[B]	Life Without Possibility of Parole	52
[C]	CCR 3375.2(a)(7) Life Inmate	28
[D]	History of Escape	19
[E]	Warrants "R" Suffix	19
[F]	Violence Exclusion	19
[G]	Public Interest Case	19
[H]	Other Life Sentence	19

#### **Specific Criteria for Applying Mandatory Minimum Factors:**

- **A. Condemned.** Apply Mandatory Minimum Score Factor Code A to inmates sentenced to Death.
- **B. Life Without Possibility of Parole.** Apply Mandatory Minimum Score Factor Code B to inmates sentenced to Life Without the Possibility of Parole (LWOP).
- **C. CCSR 3375.2(a)(7) Life Inmate.** Apply Mandatory Minimum Score Factor Code C to life-term inmates who are excluded from placement in Levels I or II based on any of the following factors per CCR § 3375.2(a)(7):
  - The commitment offense involved multiple murders, unusual violence, or execution-type murders, or received high notoriety. Each of these factors is defined in CCR § 3000.
  - The inmate has a history of multiple walkaways, an escape from a secure perimeter, or an escape with force or threat of force.

A classification committee shall determine the application of Mandatory Minimum Score Factor Code C. The UCC shall refer more complex cases to the ICC as needed.

Justification in the CDC Form 128-G shall address the specific element(s) of the inmate's commitment offense that substantiates the application of Mandatory Minimum Score Factor Code C, which precludes Level II placement, as opposed to Mandatory Minimum Score Factor Code F or Mandatory Minimum Score Factor Code H.

- **D. History of Escape.** Apply Mandatory Minimum Score Factor Code D for those case factors listed below. This code is not to be used to assess risk factors for escape involving any other offenses; (i.e., the sale or possession of large quantities of narcotics.)
  - Apply to an inmate with any history of escape from within a secure perimeter or attempted escape from within a secure perimeter, whether or not force was used. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who has a conviction for, or whose commitment offense includes, Escape with Force or Attempted Escape with Force from any correctional setting or armed escort. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who verbalizes that he or she is going to escape, and/or states he or she does not wish MSF placement because he or she will be tempted to escape/walkaway. The inmate is permanently excluded from minimum custody/MSF/camp placement.
  - When applying the ten-year exclusion criteria in reference to the following escapes or walkaways, use the date of conviction. If the escape did not result in a conviction, use the date of apprehension. In a case where there is no escape conviction and the date of apprehension is unknown, use the date of the escape, attempted escape, or walkaway.
  - Apply to an inmate who has a history of (one or more) walkaways without force from a nonsecure perimeter facility setting (such as camp, MSF, county road camp, etc.) The inmate is ineligible for minimum custody placement, camp, or MSF for ten years.
  - Apply to an inmate with a pattern of (two or more) walkaways from CCRC within the last 10 years. These inmates are excluded from minimum custody for 10 years.
  - Apply to an inmate who has a walkaway from a CCRC that resulted in a court conviction for Escape within the last ten years. The inmate is not eligible for minimum custody for 10 years.
- **E. Warrants "R" Suffix.** Apply Mandatory Minimum Score Factor Code E when the "R" suffix has been affixed to the inmate's custody.

Criteria for the “R” suffix are provided in CCR § 3377.1(b)(1) and DOM § 62010.4.3.1. Do not apply Mandatory Minimum Score Factor Code E for a case pending an evaluation.

- **F. Violence Exclusion.** Apply Mandatory Minimum Score Factor Code F when an inmate has a current or prior conviction for a violent felony or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c) that does not require “case-by-case” consideration.
  - A sustained juvenile adjudication is a guilty determination or ruling rendered in a juvenile judicial proceeding.
  - In addition, the following administrative determinations regarding an allegation of a violent act including, but not limited to, those offenses described in PC § 667.5(c) shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:
    - Board of Parole Hearings good cause finding, or
    - California Youth Authority/Youthful Offender Parole Board sustained allegation, or
    - A probation violation finding in a court of law.
  - Do not apply the Mandatory Minimum Score Factor Code F pending case-by-case evaluation.
  - Case-by-case evaluation for application of the Mandatory Minimum Score Factor Code F by the receiving institution requires the review and decision prior to the inmate’s first annual review or prior to transfer, whichever comes first.
  - If the UCC justifies exclusion of the inmate for violence based on a case-by-case evaluation, the case shall be referred to the CSR for approval.
    - If the CSR agrees with the UCC’s evaluation that the case meets the violence exclusion, the CSR shall apply the administrative determinant pursuant to CCR § 3375.2(b)(25).
    - If the CSR disagrees with the UCC’s evaluation that the case meets the violence exclusion, the CSR shall refer the case to ICC for a final determination.
  - Upon ICC determination that the case meets the violence exclusion, ICC shall refer the case for CSR review and application of the administrative determinant for violence pursuant to CCR § 3375.2(b)(25).
  - The ICC shall refer the case to the CSR substantiating application of the violence administrative determinant via a CDC Form 128-G.
  - A CDC Form 840 score sheet shall be prepared to record the CSR’s action to apply the Mandatory Minimum Score Factor F.
- **G. Public Interest Case.** Apply Mandatory Minimum Score Factor Code G when a CSR determines that the inmate is a Public Interest Case as defined in CCR § 3000, CCR § 3375.2(b)(20) and DOM § 62010.4.3.3. Staff shall refer potential public interest cases to a CSR for determination and endorsement, if applicable, as a public interest case.
- **H. Other Life Sentence.** Apply Mandatory Minimum Score Factor Code H for an inmate serving a current life sentence commitment whose case factors are not already addressed by another Mandatory Minimum Score Factor. This inmate is excluded from placement in a minimum custody setting until a release date is granted by the BPH. The granting of a release date by the BPH does not result in the removal of Mandatory Minimum Score Factor Code H.

#### **Mandatory Minimum Score (Boxes 86-87)**

A Mandatory Minimum Score is a numerical value identifying the least restrictive security level for an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

When the Mandatory Minimum Score Factor Code is applied, enter the corresponding point value in the field labeled Mandatory Minimum Score, Boxes 86-87.

If more than one factor applies, enter the code in Box 85 that appears first on the list and enter the corresponding numeric value in Boxes 86-87.

#### **Placement Score (Boxes 88-90)**

If a Mandatory Minimum Score Factor Code has not been applied, enter the New Preliminary Score as the Placement Score.

If a Mandatory Minimum Score has been applied, enter either the Mandatory Minimum Score or the New Preliminary Score, whichever is greater, as the Placement Score.

The Placement Score is one of the factors used to determine the security level to which the inmate is assigned.

#### **61020.19.8 Special Case Factors**

This provides the opportunity to alert classification staff of special concerns, which should be considered in placement or program assignment. Begin by reviewing the CDC Form 839, prior CDC Form 840s, and CDC Form 841s for special case factors, identified by counselors or CSRs, which need to be evaluated for change or continuation. For example, does the hold still exist or does the “R” suffix still apply?

Next, review relevant chronos and other documentation for any recent concerns.

#### **Holds, Detainers, and Warrants (Boxes 91-92)**

Review all relevant documents and the “Detainers” section of the C-file for holds. This item requires careful evaluation regarding the seriousness of the hold and the likelihood that the jurisdiction will exercise the hold at the end of the sentence. The importance of the hold for classification is the extent to which the prospect of an additional term to serve may motivate the inmate to escape.

- Holds, detainers, and warrants for felony charges or USINS are coded “P” for potential or “A” for actual.
- Upon identification of a potential USINS hold, prepare and submit a new CDC Form 840 to the Offender Information Services Branch (OISB).
- Prepare a new CDC Form 840 identifying a potential or actual hold if, as a result of classification committee review, the inmate is referred to the CSR or C&PR for more restrictive placement.
- If the inmate’s placement is not impacted by the identification of a potential (other than a potential USINS hold) or actual felony hold, prepare a new CDC Form 840 recording the potential or actual hold at the inmate’s annual classification committee review or at the inmate’s next classification committee review requiring the completion of a score sheet, whichever comes first.
- Place an asterisk (\*) in the box if an actual felony or USINS hold has been dropped, or if the concern for a potential hold no longer exists. An asterisk shall be recorded only as part of the normal reclassification process that requires the completion of a score sheet.

#### **Restricted Custody Suffix (Box 93)**

Enter an “R” in the box if a restricted custody suffix has been applied pursuant to DOM § 62010.4.3.1.

Place an asterisk (\*) in the box if “R” custody has been removed.

#### **Eligible for Restitution Center (Box 94)**

The Restitution Center program allows inmates who meet program criteria to work in the community and repay their victims for monetary losses. Inmates are eligible for placement in the Restitution Center program pursuant to PC § 6228. Inmates are eligible for placement consideration if they meet the following criteria:

- Have agreed or been ordered by the court to make financial restitution to a crime victim.
- Have not served a prison term within the five years prior to the present conviction.
- Do not have a criminal history of a conviction for the sale of controlled substances.
- Do not have a criminal history of a conviction for a crime involving violence or sex.
- Received a sentence of 36 months or less.
- Present no unacceptable risk to the community.
- Are employable.

Inmates from any county are eligible for placement if they meet the criteria.

A court ordered restitution to the victim, whether payable to the court, directly to the victim, or in any other manner, qualifies an inmate to participate. Therefore, a restitution fine does meet the criteria for Restitution Center placement.

There are no medical staff assigned to the Restitution Center. However, an inmate who is otherwise eligible for placement in a restitution center who requires regular monitoring/intervention by medical personnel may be considered if medically cleared on a case-by-case basis.

In Box 94, enter a "Y" for "yes" if the inmate is eligible or enter "N" for "no" if the inmate is ineligible. This is a one-time entry for the duration of the inmate's CDC Number unless the inmate's eligibility changes from "Y" to "N." If this information has already been entered on a score sheet, it is not necessary to enter it again.

#### Level IV Design (Item H4)

**180 Status.** If a male inmate has a Level IV Placement Score, the counselor shall make a determination regarding the exclusion of the inmate from a Level IV 270-design institution. If an inmate meets the guidelines for exclusion from a Level IV 270-design prison, the counselor shall print the capital letter "Y" on the line provided.

If a male inmate has a Level IV Placement Score, but does not meet the guidelines for exclusion from a Level IV 270-design institution, the counselor shall print an "N" on the line provided.

**Reason Code.** When a "Y" is entered on the "180 Status" line, enter the "Reason" code that describes the reason for exclusion from a Level IV 270-design institution based on the established guidelines. (Refer to DOM 61010.11.6 for these guidelines.)

#### US Armed Forces (Box 95)

Print a "Y" if the inmate answers "Yes" to the following question: "Have you ever been a member of the US Armed Forces and were you honorably discharged?" If the inmate answers "No" enter "N." Once a response to this question is documented on a CDC Form 839, CDC Form 840, or CDC Form 841, it is not necessary to address the issue again.

#### Current Institution and Facility (Boxes 96-102)

Beginning with the first box, print the letters that abbreviate the name of the institution, Community Correctional Facility (CCF), Modified Community Correctional Facilities (MCCF), or RC where the reclassification process is being conducted. Use the approved abbreviation that has been assigned to each location.

Print the letters assigned to each location in the first four boxes. Print the appropriate security level, subfacility, program, or camp number in the remaining boxes.

#### Institution codes are as follows:

ASP	Avenal State Prison
CAL	Calipatria State Prison
CCC	California Correctional Center
CCI	California Correctional Institution
CCWF	Central California Women's Facility
CEN	Centinela State Prison
CIM	California Institution For Men
CIW	California Institution For Women
CMCE	California Men's Colony - East
CMCW	California Men's Colony - West
CMF	California Medical Facility
COR	California State Prison, Corcoran
CRC	California Rehabilitation Center (Male inmates)
CRCW	California Rehabilitation Center (Female inmates)
CTF	Correctional Training Facility
CVSP	Chuckawalla Valley State Prison
DVI	Deuel Vocational Institution
FSP	Folsom State Prison
HDSP	High Desert State Prison
ISP	Ironwood State Prison
KVSP	Kern Valley State Prison
LAC	California State Prison, Los Angeles County
MCSP	Mule Creek State Prison
NKSP	North Kern State Prison
PBSP	Pelican Bay State Prison
PVSP	Pleasant Valley State Prison
RJD	Richard J. Donovan Correctional Facility
SAC	California State Prison, Sacramento
SATF	California Substance Abuse Treatment Facility and State Prison at Corcoran
SCC	Sierra Conservation Center
SOL	California State Prison, Solano
SQ	California State Prison, San Quentin

SVSP	Salinas Valley State Prison
VSPW	Valley State Prison For Women
WSP	Wasco State Prison

When entering a CCF or MCCF abbreviation, print the first four letters assigned to each location in the first four boxes and print "CCF" in the remaining boxes.

#### CCF and MCCF abbreviations are as follows:

##### CCFs are:

ADEL	Adelanto
BAKE	Baker
COAL	Claremont Custody Center
DELA	Delano
LASS	Lassen
LIVE	Leo Chesney Center
MCFA	McFarland
MESA	Mesa Verde
SHAF	Shafter
TAFT	Taft

##### MCCFs are:

CENV	Central Valley
GOLD	Golden State
DESR	Desert View
VICV	Victor Valley

Print the following letters for inmates housed in Community Prisoner Mother Programs:

- CPMP Community Prisoner Mother Program

Examples:

Central Valley Modified Community Correctional Facility is coded as:

C	E	N	V	C	C	F
---	---	---	---	---	---	---

Pelican Bay State Prison SHU is coded as:

P	B	S	P	S	H	U
---	---	---	---	---	---	---

#### County of Last Legal Residence (Boxes 103-105)

Print the two or three letter OBIS code for the county name in the boxes available. This is a one-time entry for this incarceration. If the CLLR has already been recorded on the CDC Form 839 or CDC Form 841, leave these boxes blank. Refer to DOM § 61010.11.1 for application of the code for CLLR.

ALA	Alameda	ORA	Orange
ALP	Alpine	PLA	Placer
AMA	Amador	PLU	Plumas
BUT	Butte	RIV	Riverside
CAL	Calaveras	SAC	Sacramento
CC	Contra Costa	SB	Santa Barbara
COL	Colusa	SBD	San Bernardino
DN	Del Norte	SBT	San Benito
ED	El Dorado	SCL	Santa Clara
FRE	Fresno	SCR	Santa Cruz
GLE	Glenn	SD	San Diego
HUM	Humboldt	SF	San Francisco
IMP	Imperial	SHA	Shasta
INY	Inyo	SIE	Sierra
KER	Kern	SIS	Siskiyou
KIN	Kings	SJ	San Joaquin
LA	Los Angeles	SLO	San Luis Obispo
LAK	Lake	SM	San Mateo
LAS	Lassen	SOL	Solano
MAD	Madera	SON	Sonoma
MAR	Marin	STA	Stanislaus
MEN	Mendocino	SUT	Sutter
MER	Merced	TEH	Tehama
MNO	Mono	TRI	Trinity
MOD	Modoc	TUL	Tulare
MON	Monterey	TUO	Tuolumne

MPA	Mariposa	VEN	Ventura
NAP	Napa	YOL	Yolo
NEV	Nevada	YUB	Yuba

**Counselor Name (Boxes 106-114)**

The counselor shall print his or her last name and first initial in the boxes, in CAPITAL BLOCK letters, indicating that the CDC Form 840 is accurate and complete.

**61020.19.9 CSR Action**

This Section is to be completed only by a CSR or a staff member specifically authorized to act in that capacity.

**Last Name (Boxes 115-122)**

The CSR or authorized staff shall print the first eight letters of his or her last name in CAPITAL BLOCK letters in the space provided.

**Date of Action (Boxes 123-128)**

Enter the number of the month, the day, and the last two digits of the year in which the action is taken.

**Level IV Design (Boxes 129-131)**

**180 Status.** If a male inmate has a Level IV Placement Score, the CSR shall make a determination regarding the exclusion of this inmate from a Level IV 270-design institution. If an inmate meets the guidelines for exclusion from a Level IV 270-design prison, the CSR shall print the capital letter "Y" in Box 129.

Enter an asterisk (\*) in Box 129 if an inmate was designated on a previous CDC Form 839 or CDC Form 840 or CDC Form 841 as meeting the guidelines for exclusion from a Level IV 270-design institution, but no longer meets the exclusionary guidelines.

**Reason Code.** If a "Y" has been entered in Box 129, the CSR shall enter the Reason Code in Boxes 130-131 to describe the reason for exclusion from a Level IV 270-design institution based on the established guidelines. Refer to DOM § 61010.11.6, Special Case Factors, to determine the appropriate Reason Code.

The counselor's evaluation regarding a male inmate's exclusion from a Level IV 270-design institution shall be recorded in the Special Case Factors area of the score sheet.

**Minimum Custody (Boxes 132-135)**

**Eligibility.** The CSR shall print the letter "E," "L," or "P" in Box 132 consistent with the findings recorded on the Minimum Custody Screening Form. Print the letter "E" in Box 132 to document that the inmate is eligible for minimum custody. Print the letter "L" in Box 132 to document that the inmate is temporarily ineligible for minimum custody. Print the letter "P" in Box 132 to document that the inmate is permanently ineligible for minimum custody.

**Reason Code.** Print the code in Boxes 133-135 to identify the reason that the inmate is either temporarily or permanently ineligible for minimum custody, for example, VIO, ESC, HOL, etc. If the inmate is eligible for minimum custody, print an "E" in the Minimum Custody Eligibility, Box 132. Do not enter a "reason code."

If an inmate is permanently excluded from Camp due to Arson, but is otherwise eligible for minimum custody in an MSF, enter "P" in Box 132 and enter ARS for Arson in Boxes 133-135 to ensure that the inmate is not placed in a Camp.

**CCRC Eligibility (Boxes 136-138)**

The CSR shall enter the appropriate code for reentry eligibility in Boxes 136-138.

- Print the letters REN if the inmate is eligible and wants to participate in CCRC.
- Print the letters REX if the inmate is eligible for placement in CCRC, but the inmate does not want to participate in CCRC.

If the inmate is ineligible for CCRC placement, Boxes 136-138 shall remain blank.

**Developmental Disability Program (DDP) Code (Boxes 139-141)**

The Developmental Disability evaluation is recorded on a CDC Form 128-C-2. The CSR shall print the most recent DDP code in Boxes 139-141. The DDP code is the designation assigned by clinical staff.

The C&PR has the authority to enter the DDP code only when there is a change from one DDP designation to another and the change does not require transfer of the inmate.

For example: The C&PR has the authority to enter the DDP designation change from DDO to NDD or from DD1 to DD2 when the institution is designated to accommodate both DD1 and DD2.

**Disability Placement Program (DPP) Codes (Boxes 142-157)**

The CSR shall make every effort to endorse a case that is identified as DPP on the CDC Form 1845 (Section C), to an appropriate institution.

The first three boxes are to be used for the impacting DPP code that most affects the inmate's placement. The CSR shall print the appropriate DPP code in Boxes 143-145. If there are additional codes that affect placement, the CSR shall print codes in Boxes 147-157.

The CSR shall print the non-impacting DPP codes assigned to the inmate in Boxes 147-157.

When a DPP code is no longer appropriate, the CSR shall enter an asterisk in the corresponding box and enter the DPP code to be deleted in the three boxes following the asterisk.

The lack of an asterisk (\*) before a DPP code means the continuation or addition of a code.

To change the previously applied primary code that most affected placement, the CSR shall print a new primary DPP code in Boxes 143-145.

The C&PR or RC-CCIII has the authority to code the DPP designation of inmates who have only non-impacting physical disabilities as identified in Section D of the CDC Form 1845. The C&PR or ORC-CCIII shall enter a DPP code in Boxes 147-157.

**Administrative Determinants (Boxes 158-177)**

An inmate whose Placement Score falls within one of the following ranges shall be placed in an institution, which is designated at the security level indicated, unless a reason for administrative or irregular placement is specified:

Placement Score	Security Level
0-18	I
19-27	II
28-51	III
52+	IV

Appropriate inmate placement is determined by both Placement Score and consideration of unusual or special case factors. Some case factors affect placement because of administrative policy requirements. Policy determined factors are "administrative determinants," and placements based on these, in a facility, which does not correspond to the inmate's Placement Score, are "administrative placements."

Space is provided to record up to five administrative determinants. Enter applicable administrative determinants. An administrative determinant also identifies a temporary or permanent case factor and alerts staff to safety and security considerations, which may limit the inmate's eligibility for placement.

If there are not enough boxes to identify all applicable administrative determinants, give priority to administrative determinants most related to custody and safety.

For example, if the inmate has noted an active "felony hold," mental health concerns, medical concerns, and a possible restricted "R" custody, enter the applicable administrative determinants. Unless the medical condition is driving placement, the mental health diagnosis is the primary concern. Enter HOL for the Hold if the hold is active, is either a felony hold or a USINS hold, and supporting documentation for the hold is in the file. The "R" suffix is not entered pending evaluation. The CSR would, therefore, enter:

a)	b)	c)
P S Y	M E D	H O L

Record those administrative determinants, which are supported by documentation using the Administrative Determinant codes provided. If an Administrative Determinant code has already been entered as a Minimum Custody Reason Code (Boxes 133-135), it is not necessary to repeat that code here.

**AGE.** Inmate's youthfulness, immaturity, or advanced age should be given strong consideration in placement or program decisions.

**ARSON.** Current or prior conviction or a sustained juvenile adjudication as defined in CCR § 3375.2(b)(25) or good cause finding ruling rendered in a BPH or Parole Hearing Division proceeding, a sustained allegation in DIJ/CYA or Youthful Offender Parole Board proceeding or a probation

violation finding in a court of law for arson, which limits where the inmate may be housed.

**BEHavior.** Inmate's behavior record indicates he or she is capable of successful placement at an institution security level lower than that indicated by inmate's Placement Score. Not to be used if the inmate is housed at a security level higher than the inmate's Placement Score.

**CAMP.** Placement due to a shortage of camp qualified inmates. Enter CAM to identify an inmate who is eligible or potentially eligible for camp placement.

**DEAtH sentence.** Inmate was formerly on death row or currently is sentenced to death.

**DEPartmental review board.** Special placement ordered by the Departmental Review Board.

**DISciplinary history.** Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.

**ENEmies.** One or more persons under jurisdiction of the CDC has been documented on a CDC Form 812 or CDC Form 812-C as an enemy. This should also be used when victimization is very probable due to case factors, such as where the nature of the offense will very likely create an enemy situation at certain institutions. Includes current Protective Housing Unit (PHU) cases and those who are natural victims because of their appearance or commitment offense.

**ESCApe potential.** Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his or her score. For example, the inmate verbalized intent to escape.

**FAMily ties.** Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

**GANG involvement or affiliation.** Documentation establishes that the inmate's membership or association requires special attention or placement consideration.

**HOLD,** warrant, or detainer likely to be exercised. For purposes of justifying a need for irregular placement based on a Hold, the hold is to be active, be either a felony hold or USINS hold, and substantiating documentation must be located in the C-File.

**INActive.** Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.

**LIFe sentence.** Apply LIF to identify an inmate serving a life sentence or life sentences.

**MEDical.** The inmate's medical condition requires treatment or continuing medical attention not generally available at all facilities.

**OUT-to-court.** Inmate needs to be housed in a particular facility in order to be close to a court jurisdiction where the inmate is required to testify in court or is being prosecuted. Includes situations where involvement in a court trial is anticipated because a disciplinary has been referred to the district attorney. Also use this designation when a board appearance is imminent.

**POPulation pressures.** Shall be used by a CSR only. No beds presently exist at an institution with a security level indicated by the inmate's Placement Score.

**PRElease.** The short time remaining to serve limits or otherwise influences placement or program options. This factor shall also be used when a release date is so close that transfer or starting a long-term program is not warranted and when a short release date warrants special placement or program consideration.

**PSYchiatric.** A psychological condition requires special treatment or may severely limit placement options. Includes Category B. Apply PSY to justify the administrative placement of an inmate who requires designated housing in accordance with an impacting DDP code.

**PUBLIC interest case.** High notoriety of an inmate has caused public interest in the case and requires exceptional placement.

**SCHool.** Inmate is involved in an academic program, which is not available at an institution security level consistent with the inmate's Placement Score. Apply SCH to identify an inmate currently participating in a Substance Abuse Program who is being retained out of level to complete the Substance Abuse Program.

**SEX.** Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act, which requires restricted custody or placement.

**SOR.** Sexual orientation. Inmate's bisexual or homosexual orientation may require special placement.

**TIME to serve.** Inmate's time to serve is long, requiring placement at a facility with a security level higher than that indicated by the inmate's Placement Score.

**VIOlence.** Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by the inmate's Placement Score.

- A sustained juvenile adjudication means a guilty determination or ruling rendered in a juvenile judicial proceeding.
- In addition, the following administrative determinations regarding allegations of violent acts including, but not limited to, those offenses described in PC § 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:
  - BPH good cause finding or
  - DJJ/CYA/Youthful Offender Parole Board sustained allegation or
  - A probation violation finding in a court of law.

**VOCational training.** Inmate is involved in a vocational program, which is not available at a facility with a security level, which is consistent with the inmate's Placement Score.

**WORK skills.** Inmate has a work skill in a critical trade for which special placement consideration may be warranted. This should also be used to request or approve work crew placements.

The CSR shall delete factors no longer valid by placing an asterisk (\*) in the single box and entering the code for the factor to be deleted in the following three boxes. This process is used only to delete a previously documented administrative determinant. The lack of an asterisk (\*) means the continuation or addition of an administrative determinant.

#### Mental Health Level of Care (Box 178)

The CSR or C&PR shall enter either a "C" for CCCMS or an "E" for EOP in Box 178 to identify the inmate's Level of Care (LOC) only at the time of endorsement.

#### Institution Approved (Boxes 179-185)

Print the initials of the institution or facility name in Boxes 179-182. Print the security level, subfacility designation, or program in Boxes 183-185. Enter only one letter or number in each box. Empty boxes should be to the right.

For example:

Sierra Conservation Center, Level I is recorded as:

S	C	C		I			
---	---	---	--	---	--	--	--

CSP, Solano Level II is recorded as:

S	O	L		I	I		
---	---	---	--	---	---	--	--

California Institution for Men, Minimum is recorded as:

C	I	M					
---	---	---	--	--	--	--	--

California Correctional Center, Level III is recorded as:

C	C	C		I	I	I	
---	---	---	--	---	---	---	--

Community Correctional Facility placement is recorded as:

C	C	F					
---	---	---	--	--	--	--	--

Endorsement to the Restitution Center is recorded as:

L	A			C	C	C	
---	---	--	--	---	---	---	--

When the inmate's current endorsed location or program is not affected by any action being recorded in the Classification Staff Representative section (Section I), the endorsed location shall be reaffirmed and recorded in Boxes 179-185.

#### Reason for Administrative or Irregular Placement (Boxes 186-188)

The CSR or authorized staff completes this item only if the security level approved is not commensurate with the inmate's Placement Score. If the level does not correspond, the CSR or authorized staff shall enter the reason for the administrative or irregular placement using the appropriate administrative determinant code to justify placement.

Some case factors affect placement because of administrative policy requirements. Policy-determined factors are "administrative determinants" and placements in a facility based on these, which do not correspond to the inmate's Placement Score, are "administrative placements."

There are also special case factors that, while not governed by policy, influence placement by determining program priorities. For example, the inmate's score level is reduced, but he or she is retained in a higher security level to complete academic or vocational training or to fill a skilled worker

position or the population is such that no suitable bed at the inmate's security level is immediately available. When placement occurs under such circumstances, it shall be recorded as an "irregular" placement.

#### 61020.20 Instructions for Completing the CDC Form 841

The counselor shall prepare a CDC Form 841 upon the return to CDCR custody from parole of a PVRTC or a PVWNT. Also prepare a CDC Form 816, Reception Center Readmission Summary, for the PVRTC or PVWNT with the following exceptions.

Prepare a CDC Form 841 and an ISRS for a PVWNT returning with a new Life term.

Prepare only a CDC Form 841 if parole is lawfully revoked by the BPH because an inmate refused to sign conditions of parole. Preparation of a CDC Form 816 is not required if the inmate is not physically paroled to the community, the inmate's status shows that he/she has been paroled, revoked, and returned the same day.

Once a PVRTC or PVWNT is scored on a CDC Form 841, each subsequent readmission period shall be captured on a separate CDC Form 841. The counselor prepares a CDC Form 841 each time a parole violator returns to the RC. For example, if a PVRTC paroled from the RC prior to the preparation of a CDC Form 841 for that revocation, prepare a CDC Form 841 to address that RTC period as well as a separate CDC Form 841 to address the current RTC.

A CDC Form 841 shall not be prepared for a parolee pending revocation proceedings. Do not prepare a CDC Form 841 if the parole violator is continued on parole (COP).

A CDC Form 841 shall not be prepared for a parolee who is returned to custody as a "non-revoked" parolee, for example a SATCU placement.

A CDC Form 841 shall not be prepared for a parolee who is returned to custody for "psych attention" only. A parolee revoked by the BPH for psych attention is in custody for psychiatric treatment, but continues his or her parole period uninterrupted.

A CDC Form 841 shall not be prepared if the inmate received an additional commitment while on parole (paper commitment), but is not returned to an RC. OBIS records this as a Legal Processing Unit action showing the parolee as returned to prison and paroled the same day.

On the CDC Form 841, box numbers appear to the right, but refer to the first box on the left of each field.

#### Detention Processing Unit

The purpose of the Detention Processing Unit (DPU) is to expedite the Reception Center processing of PVRTC cases. The RC-CCIII or designated CCII screens PVRTCs primarily on information in the C-file and a CCI's interview of the PVRTC.

#### Detention Processing Unit Criteria

##### Inmates Eligible for DPU Processing

The DPU process allows the RC-CCIII or designated CCII staff to approve initial placement of eligible PVRTC inmates who have either a Level I or Level II Placement Score and who are not further excluded as follows.

- The PVRTC does not require Level III or Level IV placement.
- The PVRTC does not require special or designated housing.
- The PVRTC has no complex housing considerations.
- The PVRTC has no complex enemy concerns.

The PVRTC shall be processed via DPU and endorsed on the CDC Form 841 under the following conditions:

- PVRTC Cases Eligible for Minimum Custody via DPU.
  - A PVRTC with a Level I Placement Score who meets MSF criteria shall be approved for DPU placement in a Level I MSF or a CCF. Do not DPU to a Secure Level I.
  - PVRTCs with Level I Placement Scores with an imminent release date of 30 days or less shall be approved for DPU placement in the Level I MSF adjacent to that RC.
  - A PVRTC with a Level II Placement Score who meets MSF criteria shall be approved for DPU placement in a Level I MSF institution using the Administrative Determinant Code of Work (WOR) or for a DPU placement in a CCF. Do not DPU a PVRTC eligible for MSF placement to a Secure Level I or to a Level II institution.
- Level I or Level II PVRTC Cases Not Eligible for Minimum Custody.
  - A DPU-eligible PVRTC with a Level I Placement Score who does not meet MSF criteria shall be approved for DPU placement in an MCCF or Level II institution using the appropriate

Administrative Determinant Code as the Administrative or Irregular Placement Reason.

- A DPU-eligible PVRTC with a Level II Placement Score who does not meet MSF criteria shall be approved for DPU placement in an MCCF or Level II institution.

#### Inmates not eligible for DPU Processing

A PVRTC requires regular reception center processing and CSR endorsement if he or she has any of the following factors:

- The PVRTC requires either a Level III or Level IV placement.
- The PVRTC requires designated housing; (i.e., DDP, DPP, SNY), or is a participant in the Mental Health Services Delivery System.
- The C&PR or RC-CCIII determines that the PVRTC inmate warrants referral to the CSR.

#### 61020.20.1 Identifying Information

##### CDC Number (Boxes 1-6)

At the bottom of the CDC Form 841, enter the CDC number for the inmate in Boxes 1-6 as obtained from the Legal Status Summary.

Print the letter prefix (for example P or W) in the first box. Enter a number in each of the remaining five boxes, Boxes 2-6, always ending in Box 6. Be certain not to enter the letter in the number boxes. Example: P-45678

P	4	5	6	7	8
---	---	---	---	---	---

##### Inmate's Last Name (Boxes 7-11)

Print the first eight letters of the inmate's last name in CAPITAL BLOCK letters. Do not use lowercase or written script letters. Letterboxes are left-hand justified. Begin at the left and print only one letter of the name in each box. Any empty boxes shall be on the right.

If the name consists of more than eight letters, simply enter the first eight letters. Although eight boxes are provided on the score sheet, the database captures only the information in Boxes 7-11 or the first five letters entered. For names with less than eight letters, leave empty the remaining boxes to the right. If the last name is two words, run the words together. Do not leave an empty box in between letters. Example:

Mac Knight

M	A	C	K	N	I	G	H
---	---	---	---	---	---	---	---

##### Date Received This Incarceration (Boxes 12-17)

When it is determined that an inmate is to be scored on a CDC Form 841, the Date Received This Incarceration is the date that the inmate was received in the RC. Enter the date in the boxes. A zero need not be entered in front of single digit months or days, but is entered as part of the two digits entered for the year, when applicable.

For an inmate who refuses to sign conditions of parole and whose parole is revoked by the BPH, the Date Received This Incarceration is the date that the BPH identifies as the date the inmate was returned to custody as posted on the CDC Form 112.

When a parole violator is returned from parole to an institution other than a reception center (e.g., to provide immediate medical care), the Date Received This Incarceration is the date that the inmate is received at that institution.

If a PVRTC later becomes a PVWNT, the Date Received This Incarceration does not change.

If the inmate was received in the RC as a PVWNT, use the date that the PVWNT is received in the RC.

The Date Received This Incarceration is the Review Period Beginning Date for the PVWNT or PVRTC's first six-month review period for this incarceration.

##### Date of Last Score Sheet (Boxes 18-23)

Enter the date of the most recent score sheet in the central file. Use the Date of the Last Score Sheet to identify the most recent score sheet and organize score sheets in chronological order to prevent tracking errors and ensure continuity.

##### County of Last Legal Residence (CLLR) (Boxes 24-26)

Print the most current CLLR, for a PVRTC or PVWNT as recorded in the parole violation report, BPH action, and/or court documents.

Print the two or three letter OBIS code for the county name in Boxes 24-26.

ALA	Alameda	ORA	Orange
ALP	Alpine	PLA	Placer
AMA	Amador	PLU	Plumas
BUT	Butte	RIV	Riverside
CAL	Calaveras	SAC	Sacramento



CC	Contra Costa	SB	Santa Barbara
COL	Colusa	SBD	San Bernardino
DN	Del Norte	SBT	San Benito
ED	El Dorado	SCL	Santa Clara
FRE	Fresno	SCR	Santa Cruz
GLE	Glenn	SD	San Diego
HUM	Humboldt	SF	San Francisco
IMP	Imperial	SHA	Shasta
INY	Inyo	SIE	Sierra
KER	Kern	SIS	Siskiyou
KIN	Kings	SJ	San Joaquin
LA	Los Angeles	SLO	San Luis Obispo
LAK	Lake	SM	San Mateo
LAS	Lassen	SOL	Solano
MAD	Madera	SON	Sonoma
MAR	Marin	STA	Stanislaus
MEN	Mendocino	SUT	Sutter
MER	Merced	TEH	Tehama
MNO	Mono	TRI	Trinity
MOD	Modoc	TUL	Tulare
MON	Monterey	TUO	Tuolumne
MPA	Mariposa	VEN	Ventura
NAP	Napa	YOL	Yolo
NEV	Nevada	YUB	Yuba

#### Form Identification (Boxes 27-35)

At the top of the CDC Form 841, three blank boxes are labeled "New", "Correction", and "Delete." Print an "X" in the appropriate box.

- Print an "X" in the "New" box (Box 27) if a new CDC Form 841 is being prepared.
- Print an "X" in the "Correction" box (Box 28) if the form is being completed as a correction to a previously submitted CDC Form 841. Enter the date of the correction in Boxes 29-34.
- Print an "X" in the "Delete" box (Box 35) when a previously submitted CDC Form 841 was completed for an inmate in error and is to be deleted.

Additional information regarding preparation of "correction" and "deletion" documents is provided in DOM §§ 61020.20.9 and 61020.20.10.

#### 61020.20.2 Readmission Review Period Calculation

Within the Readmission Review Period Calculation section of the CDC Form 841, capture the inmate's most recent period of incarceration prior to his or her last parole.

The most recent period of incarceration is defined as that time period between the date that the inmate last paroled and the inmate's Review Period Beginning Date.

After an inmate has been scored on a CDC Form 841, each subsequent readmission period shall be captured on a separate CDC Form 841.

#### Identification Of Review Period(s) Not Previously Addressed

##### Date Paroled (Boxes 36-41)

Enter the date, month/day/year, that the inmate last paroled from the CDCR. A zero need not be entered in front of a single digit number for the month or day. Enter a zero as part of the two digits for the year when applicable.

##### Review Period Beginning Date (Boxes 42-47)

Enter the Review Period Beginning Date, month/day/year. A zero need not be placed in front of the month or day, but must be placed in front of the year when appropriate.

- The Review Period Beginning Date is the date that the inmate's review period would have begun had the inmate remained in custody. The Review Period Beginning Date is the most recent Review Period Ending Date plus one day.
- However, if Review Period Dates have not already been established, then the inmate's Review Period Beginning Date is either the date received at the reception center in the last incarceration or the first day of the last month considered for favorable behavior points, whichever is the most recent.

- An inmate's partial review period is a period of less than six months in custody as measured between and including the Review Period Beginning Date and the Date Paroled.
- For an inmate who was a SACCO case and has been returned from parole as a parole violator, the inmate's Date Paroled and Review Period Beginning Date is the same date. The total number of days not previously addressed is zero.

#### Total Review Periods Not Previously Addressed (Item B3)

Enter the total number of months, days, and years in custody between the Date Paroled and the Review Period Beginning Date.

- When calculating the review period(s) in custody not previously addressed, the time periods are calculated using 30-day months.

#### Number of 6 Month Review Periods (Item B4)

Enter the total number of six-month review periods in custody not previously addressed.

#### Partial Review Period (Less Than 6 Months) (Item B5)

Enter the number of months and days in custody remaining that total less than six months.

Inmate Example's classification hearing history and recorded review period dates:

- Received in CDC 10-12-02.
- Annual Review UCC committee held on 10-20-03:
  - Rev Per Beg Date 10-12-02
  - Rev Per End Date 10-11-03
- Inmate Example's UCC committee hearing for Transfer consideration was held on 6-15-04:
  - Rev Per Beg Date 10-12-03
  - Rev Per End Date 4-11-04
- Inmate Example's Annual Review was held early on 9-25-04:
  - Rev Per Beg Date 4-12-04
  - Rev Per End Date 10-11-04
- Inmate Example paroled on 12-22-04
- Returned to CDC as a PVWNT on 3-16-05

Inmate Example's CDC Form 841 Readmission Review Period Calculation is:

- Date Paroled: 12-22-04
- Rev Per Beg Date: 10-12-04 =

Partial Review Period in custody of 2 months 10 Days

#### 61020.20.3 Favorable Behavior Since Last Review

This Section shall be used for recording and calculating in custody favorable behavior points.

- The inmate is eligible to be considered for the full value of Favorable Behavior points for each Six Month Review Period in custody.
- The inmate is eligible to be considered for one-half of the Favorable Behavior points for a partial review period that totals less than 6 months in custody.

Favorable points are to be considered for each six-month review period and/or partial review period in custody for the categories noted below.

- Favorable behavior points are to be considered only when the favorable behavior being evaluated occurred in custody during, and includes, the review period dates recorded in the Readmission Review Period Calculation section of the CDC Form 841 score sheet.
- There is no such thing as a "partial" Partial Review Period.

#### Continuous Minimum Custody (Boxes 48-49)

Consider the inmate's eligibility for favorable behavior points for the Continuous Minimum Custody category when the Minimum Custody status being evaluated occurred during, and includes, the review period dates recorded in the Readmission Review Period Calculation section of the CDC Form 841 score sheet.

Apply favorable behavior points for the Continuous Minimum Custody category when the inmate is assigned Minimum Custody for every day of the six-month review period or partial review period being evaluated. To evaluate this item, review CDC Form 128-Gs.

When the inmate's Minimum Custody assignment is interrupted during the six-month review period or partial review period being evaluated, through no fault of the inmate, apply favorable points only for that interrupted six-month review period or partial review period.

Unless the inmate was reassigned Minimum Custody on the first day of, or prior to, a subsequent Review Period Beginning Date, do not apply favorable behavior points for any six-month review period or partial review period beyond the interrupted period.

If the inmate was housed in another jurisdiction during a six-month review period or partial review period being considered, the counselor shall review the documents provided by the agency to determine if favorable points are appropriate. Favorable points shall be applied if documentation of assignment to Minimum Custody is provided by the agency.

Apply four (4) favorable behavior points for each six-month review period for which the inmate qualifies.

For less than a full six-month review period (partial review period), apply two (2) points for favorable behavior.

#### **No Serious Disciplinary (Boxes 50-51)**

Consider the inmate's eligibility for favorable behavior points for the No Serious Disciplinary category when the behavior being evaluated occurs during, and includes, the review period dates recorded in the Readmission Review Period Calculation section of the CDC Form 841 score sheet.

Apply favorable behavior points when the inmate is in custody and has not committed a serious disciplinary violation during any day of the six-month review period or partial review period being evaluated. In order to be held accountable for a serious disciplinary violation, the inmate must have been found guilty of behavior identified as serious per CCR § 3315.

Apply favorable behavior points for the No Serious Disciplinary category even though the inmate was incarcerated in another correctional agency (e.g., county jail, state or federal institution) during the review period or partial review period being evaluated and there is no evidence or documentation of serious disciplinary behavior.

Upon evidence of serious disciplinary behavior, the documentation shall establish that the inmate was determined to be guilty of conduct described as serious per CCR § 3315 in order to disqualify the inmate for consideration of favorable behavior points for the six-month review period or partial review period being evaluated.

Apply two (2) favorable behavior points for each six-month review period for which the inmate qualifies.

For less than a full six-month review period (partial review period), apply one (1) point for favorable behavior.

#### **Average or Above Performance in Work, School, or Vocational Program (Boxes 52-53)**

Consider the inmate's eligibility for favorable behavior points for the Average or Above Performance in Work, School, or Vocational Program category when the Average or Above Performance status being evaluated occurs during, and includes, the review period dates recorded in the Readmission Review Period Calculation section of the CDC Form 841 score sheet.

Consider favorable behavior points for the Average or Above Performance category only when the inmate was assigned to a work incentive assignment and reporting on the first day of, or prior to, the first day of the six-month review period or partial review period being evaluated.

When the inmate's work, school, or vocational program assignment is interrupted during the six-month review period or partial review period being evaluated, through no fault of the inmate, consider favorable points if otherwise eligible only for that interrupted six-month review period or partial review period. Do not apply favorable behavior points beyond the interrupted six-month review periods unless the inmate again reports to a work incentive assignment on the first day of, or prior to, a subsequent Review Period Beginning Date.

An unassigned inmate who received an assignment from the inmate assignment office during a lockdown period, but has been unable to report to that assignment due to the lockdown, is not eligible for favorable behavior points for the Average or Above Performance category for the six-month review period or partial review period being considered.

Favorable points are not applied for an inmate not assigned to a program.

Once assigned, an inmate continues to earn Work Incentive Credit. Eligibility for favorable behavior points is based on performance and requires participation in a program.

Consider favorable behavior points for an inmate reassigned or continued in a work, school, or vocational program who reports to a work, school, or vocational program on the first day of, or prior to, a subsequent Review Period Beginning Date.

Combine part-time assignments during the same review period which, when work/program hours are added together, are equivalent to a full-time assignment.

To determine eligibility for favorable points, review CDC Form 128-Gs, CDC Form 101, Work Supervisor's Report, or CDC Forms 128-D, E, and F, Chrono-Education/Vocational.

If the inmate was housed in another jurisdiction during the six-month review period or partial review period being evaluated, consider favorable behavior points only if documentation of an assignment is provided by the agency. Review the documents provided by the agency to determine if favorable behavior points are appropriate.

If staff in the CDCR or another agency did not document the inmate's performance and the inmate continued to be assigned, continued to report to the assignment and there is no disciplinary documentation, apply favorable behavior points for the six-month review period or partial review period. In the absence of staff documentation of the inmate's performance, apply favorable behavior points liberally. In other words, an isolated record (e.g., a CDC Form 128-A, Custodial Counseling Chrono) and no other indication of less than average performance shall not preclude the application of favorable behavior points for the six-month review period or partial review period.

Apply two (2) favorable behavior points for each six-month review period if the inmate's performance was rated "average" or "above average."

For less than a full six-month review period (partial review period), apply one (1) point for favorable behavior.

#### **Six-Month Review Periods**

Six-month review periods are established as a standard period of time to measure behavior warranting favorable behavior points.

An inmate's six-month review period is identified by the six-month period of time between and including the Review Period Beginning Date and the Review Period Ending Date.

#### **Partial Review Period**

A partial review period is a period of time in custody that totals less than six months between and including the review period beginning date and the date paroled. Apply half the full value of favorable behavior points for a Partial Review Period when evaluating Favorable Behavior Since Last Review on the CDC Form 841.

#### **Interrupted Period**

An "interrupted period" is a six-month review period or partial review period that is interrupted on or after the Review Period Beginning Date by a change to the inmate's assignment to Minimum Custody and/or the inmate's performance in a Work, School, or Vocational Program.

#### **"Through No Fault of the Inmate" as it pertains to an Interrupted Period**

"Through no fault of the inmate" as it pertains to an interrupted period, is a situation which disrupts the inmate's assignment, custody, or placement, based on a decision outside of the inmate's control and the circumstances of the interruption are not within the responsibility of the inmate.

- Examples of "through no fault of the inmate" are:
  - The inmate is transferred out to court.
  - The inmate is placed on 'S' time pending parole.
  - The inmate is placed in administrative segregation pending investigation and/or disciplinary action and later released with no finding of guilt.
  - The inmate is housed in a MSF and learns of a death in the family. Staff re-houses the inmate in a more secure facility pending evaluation of the inmate's escape potential.
- Examples of interruptions that are the fault of the inmate:
  - The inmate comes to staff and asks to be "rolled up" to administrative segregation. The inmate explains that he has a drug debt that he can't pay and stated that he can't stay in the general population.
  - The inmate has become disruptive in school and is removed from his assignment by a classification committee.

#### **Total Favorable Points (Item C4)**

Total the points for C1 through C3 and enter the number. Note that it is a negative value.

#### **61020.20.4 Unfavorable Behavior Since Last Review**

Unfavorable behavior points shall be assessed at full value.

Locate the disciplinary section of the C-file and note if the inmate was found guilty of misbehavior rated as "serious" rather than "administrative." In the

space provided, write the date of the disciplinary report for all "serious" disciplinary reports that have not been included in or since the last review. This includes serious disciplinarys received at the RC while undergoing RC processing.

When recording Unfavorable Behavior Since Last Review, the documentation shall establish that the inmate was determined to be guilty of conduct described as "serious" per the CCR § 3315. Such behavior may be documented by means other than a CDC Form 115. For example, an assault on another inmate in jail shall be documented by a report from the sheriff.

Unfavorable behavior points are to be recorded when the unfavorable behavior being evaluated occurred in custody on or between any of the inmate's previous six-month review period dates and/or current or previous Readmission Review Period Calculation dates.

Therefore, when it is determined that the serious disciplinary behavior did occur between established review period dates and the disciplinary has not been recorded on a prior score sheet, enter the disciplinary on a new CDC Form 840 or CDC Form 841 outside of the review period dates recorded on that score sheet.

#### **Serious Disciplinarys (Boxes 54-71)**

The counselor shall apply eight (8) points for a guilty finding for a Division A-1 or A-2 offense in Boxes 54-55.

The counselor shall apply six (6) points for a guilty finding for a Division B, C, or D offense in Boxes 56-57.

The counselor shall apply four (4) points for a guilty finding for a Division E or F offense in Boxes 58-59.

Count the number of disciplinarys and multiply by the appropriate point value and enter the total in the appropriate boxes. The maximum number of points to be assessed for each individual category is 99.

A single disciplinary may result in the assessment of points under several different categories. If the inmate was found guilty of the described behavior, enter the date of the disciplinary and assess the points associated with that behavior.

When the behavior in an incident falls under more than one category, apply points for each appropriate category. For example, if the inmate is found guilty for battery on another inmate with a deadly weapon causing serious injury, that one act shall be noted on the CDC Form 841 as follows:

- Item D1, Division A-1 offense =8 points
- Item D3, Battery on an Inmates =4 points
- Item D6, Possession of a Deadly Weapon =16 points
- Item D7, Battery Causing Serious Injury =16 points

For this serious disciplinary, the inmate is assessed a total of 44 points.

Example: If a CDCR inmate, while in the county jail, is found guilty of distribution of drugs (trafficking narcotics), he shall be assessed points as follows:

- Item D1, Division A-2 offense = 8 points
- Item D4, Distribution of Drugs = 4 points

For this serious in-custody offense, the inmate is assessed a total of 12 points.

#### **Battery or Attempted Battery on a Nonprisoner (Boxes 60-61)**

Include any battery on a nonprisoner or attempted battery on a nonprisoner.

Count the number, multiply by eight (8), and enter the total.

#### **Battery or Attempted Battery on an Inmate (Boxes 62-63)**

Include any battery on an inmate or attempted battery on an inmate.

Do not include mutual combat where both inmates were co-responsible.

Include situations where one or more inmates is clearly the victim. Usually results in some injury that may involve a group attack or some type of weapon.

Count the number, multiply by four (4), and enter the total.

#### **Distribution of Drugs (Boxes 64-65)**

This refers to inmates who are involved in an operation to smuggle any controlled substance into an institution, facility, or jail for distribution and sales.

Do not count a disciplinary determination in which the inmate was found or pled guilty to possessing a small quantity of drugs or being under the influence.

Count the number, multiply by four (4), and enter the total.

#### **Possession of a Deadly Weapon (Boxes 66-67)**

Include only well-documented instances of manufacturing or possessing a deadly weapon where apparent use is intended.

- Except as noted below, do not include possession of commonly available and unmodified objects unless they are used as weapons and this fact is documented in the disciplinary hearing process. For example, hobby craft tools, common shop tools, and baseball bats are not considered deadly weapons unless their use, or intent for use, as such is clear. Include possession of a razor blade in a special program housing unit (e.g., Ad Seg Unit, SHU, Psychiatric Services Unit).

Count the number, multiply by sixteen (16), and enter the total.

#### **Inciting a Disturbance (Boxes 68-69)**

Typically this involves a leadership role in an institution/facility riot, racial disturbance, or work strike.

Include any willful and deliberate behavior, which may have led to violence or disorder and any willful attempt to incite others, either verbally or in writing, or by other deliberate action to use force or violence upon another person of the type described in the CCR § 3005.

Count the number, multiply by four (4), and enter the total.

#### **Battery Causing Serious Injury (Includes Conspiracy) (Boxes 70-71)**

Include any battery that caused serious injury.

Inmates who conspired in, or ordered such an assault shall receive the same points.

Serious injury is defined in CCR § 3000.

Count the number, multiply by sixteen (16), and enter the total.

#### **Total Unfavorable Points (Item D8)**

Add the points for items D1 through D7 and enter here.

A serious disciplinary, not previously recorded, can be entered on the CDC Form 841 even when the date of disciplinary falls outside of the period of time recorded in the Readmission Review Period Calculation section of the CDC Form 841.

#### **61020.20.5 Computation Of Score**

##### **Prior Preliminary Score (Boxes 75-77)**

The Prior Preliminary Score will be found on the most recent classification score sheet:

- If the CDC Form 839 is the most recent score sheet, enter the Preliminary Score value as recorded in Boxes 65-67.
- If the CDC Form 840 is the most recent score sheet, enter the New Preliminary Score value as recorded in Boxes 82-84.
- If the CDC Form 841 is the most recent score sheet, enter the New Preliminary Score value as recorded in Boxes 84-86.
- When an inmate's most recent classification score is recorded on a score sheet with a revision date prior to Rev. 07/02, enter that classification score as the Prior Preliminary Score.

##### **Net Change in Score (Boxes 78-80)**

Combine the Total Favorable Points (C4) and the Total Unfavorable Points (D8). The Net Change in Score can be a plus (+) or a minus (-) value. The maximum number of points that can be entered for the Net Change in Score on the CDC Form 841 is 99. If the Net Change in Score exceeds 99, prepare one or more CDC Form 840(s) to record remaining disciplinarys. If preparing more than one CDC Form 840 on the same date, enter a different date for each CDC Form 840 because the Inmate Classification Score System Database organizes data by the "Date Completed." Enter the appropriate positive or negative sign in the first box and the total value in the remaining boxes.

##### **Preliminary Score Subtotal (Item F3)**

Enter the Preliminary Score subtotal on the line provided. The Preliminary Score subtotal is the prior Preliminary Score plus or minus the Net Change in Score.

This number can never be less than "0."

##### **Change in Term Points (Boxes 81-83)**

If the inmate has been designated as an RTC, do not enter a value. This area is left blank for an inmate who has returned as a parole violator returned to custody for a parole violation only.

If a PVRTC later becomes a PVWNT, a correction to the CDC Form 841 is not necessary. Complete a new CDC Form 840 recording the change in term points, if any, as a result of this new term. Also, do not correct the CDC Form 839.

To determine the change in term points for a PVWNT:

- Identify the original Term Point (T/P) from the CDC Form 839 and from subsequent score sheets with information entered in the Change in Term Points box.

- Enter the prior Term Points value on the “- Old T/P” line on the score sheet.
- Use the Term Point equation of base term plus enhancements multiplied by two (2) to calculate New Term Points. Enter that value on the “+ New T/P” line on the score sheet.
  - This term point value cannot exceed 50.
- Determine the difference between the old term points and the new term points. Enter either a plus (+) or a minus (-) sign in Box 81 and the numeric difference in Boxes 81-83.

**EXAMPLES:**

An inmate is returned from parole as an RTC. The inmate goes out to court before completing RC processing and is sentenced to 3 years. His original CDCR commitment had been 4 years. The adjustment to the Change in Term Points area of the CDC Form 841 is calculated as:

- Old Term Points: - 8
- New Term Points: (3 yrs X 2) + 6
- Change in Term Points = - 2

An inmate is returned from parole as a PVWNT. She is given an 18-month sentence (1 year 6 months). Her original term was 8 years.

- Old Term Points: - 16
- New Term Points: (1 yrs X 2) + 2
- Change in Term Point = - 14

**New Preliminary Score (Boxes 84-86)**

Add or subtract the Change in Term Points value from the Preliminary Score Subtotal and enter that value in Boxes 84-86. The maximum value for the New Preliminary Score is 999. The New Preliminary Score cannot be less than zero nor greater than 999.

**61020.20.6 Placement****Mandatory Minimum Score Factor:**

A Mandatory Minimum Score Factor is a case factor that requires the application of a Mandatory Minimum Score.

**Mandatory Minimum Score Factor Code (Box 87)**

A Mandatory Minimum Score Factor Code is an alpha code associated with a Mandatory Minimum Score Factor.

- If an inmate has a case factor that requires the application of a Mandatory Minimum Score Factor Code, enter the code that applies in Box 87. If more than one case factor applies, enter the code that appears first on the list.
- Document the RC justification for applying a Mandatory Minimum Score Factor Code in the CDC Form 816 or ISRS, as applicable. When the Mandatory Minimum Score Factor is applied other than in the RC, justify application in a CDC Form 128-G.
- If eligibility for a Mandatory Minimum Score Factor Code requires further consideration, refer to DOM § 61020.19.7.
- Absent overriding security or safety considerations, inmates pending case-by-case evaluation to determine eligibility for a Mandatory Minimum Score Factor Code shall not be transferred, except from the RC, until the application of a Mandatory Minimum Score Factor Code is resolved.
- Determine if one or more of the case factors listed below apply to the inmate. If no factors apply, proceed to the instructions for Placement Score.
- Prepare a new CDC Form 840 score sheet to record a change in or removal of a Mandatory Minimum Score Factor Code.

**Mandatory Minimum Score Factor Codes and Scores**

CODE	FACTOR	SCORE
[A]	Condemned	52
[B]	Life Without Possibility of Parole	52
[C]	CCR 3375.2(a)(7) Life Inmate	28
[D]	History of Escape	19
[E]	Warrants “R” Suffix	19
[F]	Violence Exclusion	19
[G]	Public Interest Case	19
[H]	Other Life Sentence	19

**Specific Criteria for Applying Mandatory Minimum Score Factor Codes:**

- **A. Condemned.** Apply Mandatory Minimum Score Factor Code A to inmates sentenced to death.

- **B. Life Without Possibility of Parole.** Apply Mandatory Minimum Score Factor Code B to inmates sentenced to LWOP.
- **C. CCR 3375.2(a)(7) Life Inmate.** Apply Mandatory Minimum Score Factor Code C to life-term inmates who are excluded from placement in Levels I or II based on any of the following factors per CCR § 3375.2(a)(7):

- The commitment offense involved multiple murders, unusual violence, or execution-type murders or received high notoriety. Each of these factors is defined in CCR § 3000.
- The inmate has a history of multiple walkaways, an escape from a secure perimeter, or an escape with force or threat of force.

A classification committee shall determine the initial application of this Mandatory Minimum Score Factor Code C. The Unit Classification Committee shall refer more complex cases to the Institutional Classification Committee as needed.

Justification in the ISRS shall address the specific element(s) of the inmate’s commitment offense that substantiates the application of Mandatory Minimum Score Factor Code C, which precludes Level II placement, as opposed to Mandatory Minimum Score Factor Code F or Mandatory Minimum Score Factor Code H.

- **D. History of Escape.** Apply Mandatory Minimum Score Factor Code D for those case factors listed below. This code is not to be used to assess risk factors for escape involving any other offenses; (i.e., the sale or possession of large quantities of narcotics).
  - Apply to an inmate with any history of escape from within a secure perimeter or attempted escape from within a secure perimeter, whether or not force was used. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who has a conviction for, or whose commitment offense includes, Escape with Force or Attempted Escape with Force from any correctional setting or armed escort. This inmate is permanently excluded from minimum custody placement.
  - Apply to an inmate who verbalizes that he or she is going to escape and/or states he or she does not wish MSF placement because he or she will be tempted to escape/walkaway, is permanently excluded from minimum custody/MSF/camp placement.
  - When applying the ten-year exclusion criteria in reference to the following escapes or walkaways, use the date of conviction. If the escape did not result in a conviction, use the date of apprehension. In a case where there is no escape conviction and the date of apprehension is unknown, use the date of the escape, attempted escape, or walkaway.
  - Apply to an inmate who has a history of (one or more) walkaways without force from a nonsecure perimeter facility setting (such as camp, MSF, county road camp, etc.). The inmate is ineligible for minimum custody placement, camp, or MSF for ten years.
  - Apply to an inmate with a pattern of (two or more) walkaways from CCRC within the last 10 years. These inmates are excluded from minimum custody for 10 years.
  - Apply to an inmate who has a walkaway from CCRC that resulted in a court conviction for Escape within the last ten years. The inmate is ineligible for minimum custody for 10 years.
- **E. Warrants “R” Suffix.** Apply Mandatory Minimum Score Factor Code E when the “R” suffix has been affixed to the inmate’s custody. Criteria for the “R” suffix are provided in CCR § 3377.1(b)(1) and DOM § 62010.4.3.1. Do not apply Mandatory Minimum Score Factor Code E for a case pending an evaluation.

- **F. Violence Exclusion.** Apply Mandatory Minimum Score Factor Code F when an inmate has a current or prior conviction for a violent felony or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c) that does not require “case-by-case” consideration.

- A sustained juvenile adjudication is a guilty determination or ruling rendered in a juvenile judicial proceeding.
- An administrative determination regarding an allegation of a violent act including, but not limited to, those offenses described in PC § 667.5(c), has the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication.
  - Board of Parole Hearings good cause finding, or

- California Youth Authority/Youthful Offender Parole Board sustained allegation, or
- A probation violation finding in a court of law.
- Do not apply the Mandatory Minimum Score Factor Code F pending case-by-case evaluation.
- **G. Public Interest Case.** Apply Mandatory Minimum Score Factor Code G when the CSR has determined that the inmate is a public interest case pursuant to CCR §§ 3000, 3375.2(b)(20) and DOM § 62010.4.3.3. Staff shall refer any potential public interest cases to a CSR for determination and endorsement as a public interest case.
- **H. Other Life Sentence.** Apply Mandatory Minimum Score Factor Code H for an inmate serving any current life sentence commitment whose case factors are not already addressed by another mandatory minimum score factor code. This inmate is excluded from consideration for placement in a minimum custody setting until a release date is granted by the BPH. The granting of a release date by the BPH does not result in the automatic removal of Mandatory Minimum Score Factor Code H.

#### **Mandatory Minimum Score (Boxes 88-89)**

A Mandatory Minimum Score is a numerical value identifying the least restrictive security level for an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

When the Mandatory Minimum Score Factor Code is applied, enter the corresponding point value in the field labeled Mandatory Minimum Score, Boxes 88-89.

If more than one factor applies, enter the code that appears first on the list in Box 87 and enter the corresponding numeric value in Boxes 88-89.

#### **Placement Score (Boxes 90-92)**

If there are no case factors that require the application of a Mandatory Minimum Score Factor Code, enter the New Preliminary Score as the Placement Score.

If a Mandatory Minimum Score has been applied, enter the Mandatory Minimum Score or the New Preliminary Score, whichever is greater.

The Placement Score is one of the factors used to determine the security level to which the inmate is assigned.

#### **61020.20.7 Special Case Factors**

This provides the opportunity to alert classification staff to special concerns, which should be considered in placement or program assignment.

Begin by reviewing the CDC Form 839, prior CDC Form 840s, and CDC Form 841s for special case factors identified by counselors or CSRs, which need to be evaluated. Next, review relevant chronos and other documentation for any recent concerns. Information entered in this Section is only current information.

#### **Holds, Detainers and Warrants (Boxes 93-94)**

Review all relevant documents and the "Detainers" section of the C-file for holds. This item requires careful evaluation regarding the seriousness of the hold and the likelihood that the jurisdiction will exercise the hold at the end of the sentence. The importance of the hold for classification is the extent to which the prospect of an additional term to serve may motivate the inmate to escape.

- Holds, Detainers, and Warrants for felony charges or USINS are coded "P" for potential or "A" for actual.
- Code only those holds which are likely to result in an additional prison sentence or deportation. Exclude simple holds for probation only or parole violation where the commitment offense is the basis for the violation.

After the CDC Form 841 has been submitted, record holds as follows:

- When a potential USINS hold is identified, prepare and submit a new CDC Form 840 to OISB.
- Prepare a new CDC Form 840 identifying a potential or actual hold if, as a result of classification committee review, the inmate is referred to the CSR or C&PR for more restrictive placement.
- If the inmate's placement is not impacted by the identification of a potential (other than a potential USINS hold) or actual felony hold, prepare a new CDC Form 840 recording the potential or actual hold at the inmate's annual classification committee review or at the inmate's next classification committee review requiring the completion of a score sheet, whichever comes first.

#### **Restricted Custody Suffix (Box 95)**

Enter an "R" in the box if a restricted custody suffix is to be applied pursuant to DOM § 62010.4.3.1.

#### **Eligible for Restitution Center (Box 96)**

The Restitution Center program allows inmates who meet program criteria to work in the community and repay their victims for monetary losses. Inmates are eligible for placement in the Restitution Center program pursuant to PC § 6228. Inmates are eligible for placement consideration if they meet the following criteria:

- Have agreed or been ordered by the court to make financial restitution to a crime victim.
- Have not served a prison term within the five years prior to the present conviction.
- Do not have a criminal history of a conviction for the sale of controlled substances.
- Do not have a criminal history of a conviction for a crime involving violence or sex.
- Received a sentence of 36 months or less.
- Present no unacceptable risk to the community.
- Are employable.

Inmates from any county are eligible for placement if they meet the criteria.

A court ordered restitution to the victim, whether payable to the court, directly to the victim, or in any other manner, qualifies an inmate to participate. A restitution fine constitutes financial restitution to a crime victim; therefore a restitution fine meets the criteria for Restitution Center placement.

There are no medical staff assigned to the Restitution Center. However, an inmate who is otherwise eligible for placement in a restitution center who requires regular monitoring/intervention by medical personnel may be considered if medically cleared on a case-by-case basis.

In Box 96 enter a "Y" for "yes" if the inmate is eligible or enter "N" for "no" if the inmate is ineligible. This is a one-time entry for the duration of the inmate's CDC Number unless the inmate's eligibility changes from "Y" to "N." If this information has already been entered on a score sheet, it is not necessary to enter it again.

#### **Level IV Design (Item H4)**

**180 Status.** If a male inmate has a Level IV Placement Score, the counselor shall make a determination regarding the exclusion of the inmate from a Level IV 270-design institution. If an inmate meets the guidelines for exclusion from a Level IV 270-design prison, the counselor shall print the capital letter "Y" on the line provided.

If the male inmate has a Level IV Placement Score, but does not meet the guidelines for exclusion from a 270-design institution, the counselor shall print an "N" on the line provided.

**Reason Code.** If a "Y" was entered on the "180 Status" line provided, the counselor shall then enter the "Reason" code on the line provided that describes the reason for exclusion from a Level IV 270-design institution based on the established guidelines.

The counselor shall enter the code that describes the reason for exclusion from a Level IV 270-design institution based on the established guidelines per DOM § 61010.11.6.

#### **US Armed Forces (Box 97)**

Print a "Y" if the inmate answers "Yes" to the following question: "Have you ever been a member of the US Armed Forces and were you honorably discharged?" If the inmate answers "No" enter "N." After a response has been documented on the CDC Form 839, CDC Form 840, or CDC Form 841, it is not necessary to address the issue again.

#### **Current Institution and Facility (Boxes 98-104)**

Print the two, three, or four-letter abbreviation of the RC in the Boxes 98-101. Print RC or the security level in Boxes 102-104 referring to the facility where the case is presented to a CSR for placement. Inmates may go through an RC, but actually be processed at an institution. Also, out-of-state inmates may be delivered directly to an institution. In such cases, enter the abbreviation for the institution where the processing takes place. Refer to DOM § 61020.19.8 for abbreviations.

#### **Return Status (Boxes 105-107)**

Print RTC for an inmate who is a Parole Violator Returned to Custody. Enter WNT for an inmate who is a Parole Violator With a New Term. If an inmate is received as an RTC and the inmate's status changes to a WNT after the CDC Form 841 is endorsed, do not submit a correction to correct these boxes.

**Caseworker Name (Boxes 108-116)**

The counselor shall print his or her last name and first initial in the boxes in capital block letters, indicating that the CDC Form 841 is accurate and complete.

**61020.20.8 CSR Action**

This Section is to be completed only by a CSR or a staff member specifically authorized to act in that capacity.

The DPU process also allows the reception center CCIII or designated CCII staff to approve placement of a PVRTC inmate.

**Last Name (Boxes 117-124)**

The CSR or authorized staff shall print the first eight letters of his or her last name in CAPITAL BLOCK letters in the space provided.

**Date of Action (Boxes 125-130)**

Enter the number of the month, the day, and the last two digits of the year in which the action is taken. A zero need not be placed in front of a single digit month or day, but must be printed if part of the two digits identifying the year when applicable.

**Level IV Design (Boxes 131-133)**

**180 Status.** If a male inmate has a Level IV Placement Score, the CSR shall make a determination regarding the exclusion of this inmate from a Level IV 270-design institution. If the inmate meets the guidelines for exclusion from a Level IV 270-design prison, the CSR shall print the capital letter "Y" in the Box 131.

**Reason Code.** If a "Y" has been entered in Box 131, the CSR shall enter the reason code in Boxes 132-133 that describes the reason for exclusion from a Level IV 270-design institution based on the established guidelines. Refer to DOM § 61010.11.6, Special Case Factors, to determine the appropriate Reason Code.

The counselor's evaluation regarding a male inmate's exclusion from a Level IV 270-design institution shall be recorded in the Special Case Factors area of the score sheet.

**Minimum Custody (Boxes 134-137)**

**Eligibility.** The CSR shall print the letter "E," "L," or "P" in Box 134 consistent with the findings recorded on the Minimum Custody Screening Form. Print the letter "E" in Box 134 to document that the inmate is eligible for minimum custody. Print the letter "L" in Box 134 to document that the inmate is temporarily ineligible for minimum custody. Print the letter "P" in Box 134 to document that the inmate is permanently ineligible for minimum custody.

**Reason Code.** Print the code in Boxes 135-137 to identify the reason the inmate is either temporarily or permanently ineligible for minimum custody, for example, VIO, ESC, HOL, etc. If the inmate is eligible for minimum custody, print an "E" in Box 134. Do not enter a "reason code."

If an inmate is permanently excluded from Camp due to Arson, but is otherwise eligible for minimum custody in an MSF, enter "P" in Box 134 and enter ARS for Arson in Boxes 135-137 to ensure that the inmate is not placed in a Camp.

**CCRC Eligibility (Boxes 138-140)**

The CSR shall enter the appropriate code for reentry eligibility in Boxes 138-140.

- Enter the letters REN in Boxes 138-140 if the inmate is eligible and wants to participate in CCRC.
- Enter the letters REX in Boxes 138-140 if the inmate is eligible for placement in CCRC, but does not want to participate in CCRC.

If the inmate is ineligible for CCRC placement, leave Boxes 138-140 blank.

**DDP Code (Boxes 141-143)**

The Developmental Disability evaluation is recorded on a CDC Form 128-C2. The CSR shall enter the most recent DDP code in the Boxes 141-143. The code is the designation assigned by clinical staff.

The C&PR has the authority to enter the DDP code only when there is a change from one DDP designation to another and the change does not require that the inmate be transferred to another institution.

For example: The C&PR has the authority to enter the DDP designation change from DDO to NDD or from DD1 to DD2 when the institution is designated to accommodate both DD1 and DD2 inmates.

**DPP Code(s) (Boxes 144-155)**

The CSR shall make every effort to endorse a case identified as DPP on the CDC Form 1845 (Section C) to an appropriate institution.

The first three boxes (Boxes 144-146) are to be used for the impacting DPP code that most affects the inmate's placement. The CSR shall enter the

appropriate DPP code in Boxes 144-146. If there are additional codes that impact placement, the CSR shall enter those codes in priority order in Boxes 147-155.

The CSR shall enter the non-impacting DPP codes assigned to the inmate in Boxes 147-155.

The C&PR or RC-CCIII has the authority to code the DPP designation of only inmates who have only non-impacting physical disabilities as identified in Section D of the CDC Form 1845. The C&PR or RC-CCIII shall enter a DPP code in Boxes 147-155.

**Administrative Determinants (Boxes 156-170)**

An inmate whose Placement Score falls within one of the following ranges shall be placed in an institution, which is designated at the security level indicated, unless a reason for administrative or irregular placement is specified:

Placement Score	Security Level
0-18	I
19-27	II
28-51	III
52+	IV

Appropriate inmate placement is determined by both Placement Score and unusual or special case factors. Some case factors affect placement because of administrative policy requirements. Policy determined factors are "administrative determinants" and placements based on these, in a facility which does not correspond to the inmate's Placement Score, are "administrative placements."

Space is provided to record up to five administrative determinants. Enter applicable administrative determinants. An administrative determinant identifies temporary or permanent case factors and alerts staff to safety and security considerations which may limit the inmate's eligibility for placement. If there are not enough boxes to identify all applicable administrative determinants, give priority to those most related to custody and safety.

Record those determinants that are supported by documentation using the administrative determinant codes provided. If an administrative determinant code has already been entered as a Minimum Custody Reason Code (Boxes 135-137), it is not necessary to repeat that code here.

For example, enter the following for an inmate with an active "felony hold," a diagnosis of EOP, a heart condition requiring medical treatment, and a possible restricted "R" custody. Unless the medical condition is driving placement, the PSY is the primary concern. The CSR enters HOL only if the hold is active, is for a felony or USINS hold, and supporting documentation for the hold is in the file. An "R" suffix cannot be affixed pending evaluation. The CSR or authorized staff would therefore enter:

a)	b)	c)
P S Y	M E D	H O L

**AGE.** Inmate's youthfulness, immaturity, or advanced age should be given strong consideration in placement or program decisions.

**ARSON.** Current or prior conviction or a sustained juvenile adjudication, as defined in CCR § 3375.2(b)(25), or good cause finding ruling rendered in a BPH proceeding, a sustained allegation in DJJ/CYA or Youthful Offender Parole Board proceeding or a probation violation finding in a court of law for arson, which limits where the inmate may be housed.

**BEHAVIOR.** Inmate's behavior record indicates he or she is capable of successful placement at an institution level lower than that indicated by the inmate's Placement Score. Not to be used if the inmate is housed at a level higher than the inmate's Placement Score.

**CAMP.** Placement due to a shortage of camp qualified inmates. Enter CAM to identify an inmate who is eligible or potentially eligible for camp placement.

**DEATH sentence.** Inmate was formerly on death row or currently is sentenced to death.

**DEPARTMENTAL review board.** Special placement ordered by the Departmental Review Board.

**DISCIPLINARY history.** Inmate disciplinary record indicates a history of serious problems or threatens the security of the facility.

**ENEMIES.** One or more persons under jurisdiction of the CDC has been documented on a Critical Case Information form (CDC Form 812 or CDC Form 812C) as an enemy. This should also be used when victimization is very probable due to case factors, such as where the nature of the offense will very likely create an enemy situation at certain institutions. Includes

current PHU cases and those who are natural victims because of their appearance or commitment offense.

**ESCAPE** potential. Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his or her score. For example, the inmate verbalized intent to escape.

**FAMILY** ties. Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

**GANG** involvement or affiliation. Documentation establishes that the inmate's membership or association requires special attention or placement consideration.

**HOLD**, warrant, or detainer likely to be exercised. Hold is active, verified to be in response of a felony or USINS hold, and substantiating documentation is in the C-File.

**INACTIVE**. Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.

**LIFE** sentence. Apply LIF to identify an inmate serving a life sentence or life sentences.

**MEDICAL**. The inmate's medical condition requires treatment or continuing medical attention not generally available at all facilities.

**OUT-TO-COURT**. Inmate needs to be housed in a particular facility in order to be close to a court jurisdiction where the inmate is required to testify in court or is being prosecuted. Includes situations where involvement in a court trial is anticipated because a disciplinary has been referred to the district attorney. Also, use this designation when a Board appearance is imminent.

**POPULATION** pressures. Shall be used by CSR only. No beds presently exist at an institution with a security level indicated by the inmate's Placement Score.

**PRE**release. The short time remaining to serve limits or otherwise influences placement or program options. This factor shall also be used when a release date is so close that transfer or starting a long-term program is not warranted and when a short release date warrants special placement or program consideration.

**PSYCHIATRIC**. A psychological condition requires special treatment or may severely limit placement options. Includes Category B. Apply PSY to identify an inmate who requires placement in designated housing in accordance with a Developmentally Disabled Placement Code.

**PUBLIC** interest case. High notoriety of an inmate has caused public interest in the case and requires exceptional placement.

**SCHOOL**. Inmate is involved in an academic program, which is not available at an institution security level consistent with the inmate's Placement Score. Apply SCH to identify an inmate currently participating in a Substance Abuse Program who is being retained out of level to complete the Substance Abuse Program.

**SEX**. Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act, which requires restricted custody or placement.

**SOR**. Sexual orientation. Inmate's bisexual or homosexual orientation may require special placement.

**TIME** to serve. Inmate's time to serve is long, requiring placement at a facility with a security level higher than that indicated by the inmate's Placement Score.

**VIOLENCE**. Inmate has a current or prior conviction for a violent felony or a sustained juvenile adjudication including, but not limited to, those listed under PC § 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by the inmate's Placement Score.

- A sustained juvenile adjudication means a guilty determination or ruling rendered in a juvenile judicial proceeding.
- In addition, the following administrative determinations regarding allegations of violent acts including, but not limited to, those offenses described in PC § 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:
  - BPH good cause finding, or
  - DJJ/CYA/Youthful Offender Parole Board sustained allegation, or
  - A probation violation finding in a court of law.

**VOCATIONAL** training. Inmate is involved in a vocational program, which is not available at a facility with a security level, which is consistent with the inmate's Placement Score.

**WORK** skills. Inmate has a work skill in a critical trade for which special placement consideration may be warranted. This should also be used to request or approve work crew placements.

#### Mental Health Level of Care (Box 171)

The CSR shall enter either a "C" for CCCMS or an "E" for EOP in Box 171 to identify the inmate's mental health LOC at the time of endorsement.

#### Institution Approved (Boxes 172-178)

Print initials of the institution or facility name in Boxes 172-175. Print the security level, subfacility designation, or program in Boxes 176-178. Enter only one letter or number in each box. Empty boxes should be to the right.

For example,

Sierra Conservation Center, Level I is recorded as:

S	C	C		I		
---	---	---	--	---	--	--

CSP, Solano, Level II is recorded as:

S	O	L		I	I	
---	---	---	--	---	---	--

California Institution for Men, Minimum is recorded as:

C	I	M		I		
---	---	---	--	---	--	--

California Correctional Center, Level III is recorded as:

C	C	C		I	I	I
---	---	---	--	---	---	---

Community Correctional Facility is recorded as:

C	C	F				
---	---	---	--	--	--	--

Endorsement to the Restitution Center is recorded as:

L	A			C	C	C
---	---	--	--	---	---	---

#### Reason For Administrative Or Irregular Placement (Boxes 179-181)

The CSR or authorized staff completes this item only if the security level approved is not commensurate with the inmate's Placement Score. If the level does not correspond, the authorized staff shall enter the reason for the administrative or irregular placement using the appropriate administrative determinant code to justify placement.

Some case factors affect placement because of administrative policy requirements. Policy-determined factors are "administrative determinants" and placements in a facility based on these, that do not correspond to the inmate's Placement Score, are "administrative placements."

There are also special case factors that, while not governed by policy, influence placement by determining program priorities. For example, the inmate's score level is reduced, but he or she is retained in a higher security level to complete academic or vocational training or to fill a skilled worker position or the population is such that no suitable bed at the inmate's security level is immediately available. When placement occurs under such circumstances, it shall be recorded as an "irregular" placement and justified by the application of a corresponding administrative determinant.

#### CSR Endorsement

A CSR endorsement shall remain effective for 120 days from the date of endorsement.

If an inmate is not transferred within 120 days from the date of CSR endorsement, the endorsed case awaiting transfer shall be again presented to a CSR prior to the 121st day for a 120-day extension of the endorsement if there is no change to case factors and the endorsement remains appropriate.

Each request for a 120-day extension of an endorsement shall be documented on a CDC Form 128-G and requires confirmation that the CCI and the CCII Supervisor audited the central file; updated the CDC Forms 840, 812, 812-C (if applicable); verified that case factors impacting the appropriateness of the CSR endorsement have not changed; and confirmed that the initial CSR endorsement remains appropriate. The CCI's review and CCII Supervisor's authorization for endorsement extension shall serve as a classification action. The CCI and CCII shall sign and date the CDC Form 128-G.

The request for a 120-day extension of a CSR endorsement shall not require review by a UCC or ICC unless case factors change or other information is identified, which renders the CSR endorsement to be no longer appropriate.

An endorsed case awaiting transfer may be extended no more than twice beyond the initial 120-day period.

Upon discovery of information that a CSR endorsement is no longer appropriate, the institution shall not allow the transfer to occur. The case shall be referred for UCC or ICC, as appropriate, to determine appropriate placement. The UCC or ICC shall substantiate placement recommendation and refer the case for transfer consideration or retention in current placement.

#### **61020.20.9 Correcting a Previously Submitted Score Sheet**

##### **Rules for making corrections to a score sheet with a form Revision Date prior to Rev. 07/02.**

Any score errors that are detected after the canary copy of the score sheet has been submitted to OISB require the following correction process. These rules apply only to a score sheet with a form revision date prior to Rev. 07/02:

##### **Correct the Central File**

- Annotate the original score sheet in the C-File. Line through the item or items to be changed and write the new information beside the appropriate box or boxes. Initial and date those notations. This provides central file documentation of the original and new values and changes on the score sheet.
- Continue to carry forward the correct score on any subsequent score sheets in the central file to show the correct score. Ensure that the correct score is carried forward when a new score sheet is needed.

##### **Prepare a "Correction" score sheet:**

When the score sheet to be corrected in the central file has a form revision date prior to Rev. 07/02, reference to the classification score is equivalent to the Preliminary Score. Follow these steps to correct the database:

- Begin with a blank score sheet. The blank score sheet must be the same type of score sheet as the one being corrected. For example, when a CDC Form 839 needs to be corrected, the "Correction" score sheet shall also be a CDC Form 839.
- Complete the Identifying Information section of this blank score sheet by entering the inmate's CDC Number and Inmate's Last Name.
- Enter the same date that appears on the original score sheet being corrected. For the CDC Form 839 it is the Date Received CDC. For the CDC Form 840 it is the Date of Current Review. (exception: Neither the CDC Number nor the Date of Current Review can be corrected. See DOM § 61020.20.10 and contact OISB to correct these fields.)
- Enter an "X" in the Box Item 5b, Form Identification, at the top of the score sheet.
- Enter the date that the score sheet is being corrected in the "Date Corrected" boxes directly to the right.
- For changes to score values in boxes in the Background Factors section, Prior Incarceration Behavior section, Favorable Behavior section, and Unfavorable Behavior section, enter the Total Correction for that score sheet, either negative or positive, in the Correction area of the CDC Form 839 or CDC Form 840 score sheet. On the CDC Form 839, it is Item C1. On the CDC Form 840 it is Item E1.
- Enter the correct Total Classification Score in the Preliminary Score boxes when preparing a correction document for a CDC Form 839.
- Enter the correct Prior Classification Score in the Prior Preliminary Score box and enter the Current Classification Score in the New Preliminary Score box when preparing a correction document for a CDC Form 840. (Note: On score sheets revised prior to 07/02, the Prior Preliminary Score is identified as the Prior Classification Score and the New Preliminary Score is identified as the Current Classification Score).
- Leave the Mandatory Minimum Score and Placement Score boxes blank.
- The name of the Current Institution and Facility may be entered.
- The Counselor's Name may be entered.

Submit the canary copy of the "correction" score sheet to:

Department of Corrections and Rehabilitation  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

The green copy of the "Correction" score sheet is to be given to the inmate.

The original white copy of the "Correction" score sheet may be discarded.

##### **Rules for making Corrections to a CDC Form 839, CDC Form 840, or CDC Form 841 with a form revision date of Rev. 07/02 or later.**

Any errors that are detected after the canary copy of the score sheet has been submitted to OISB require the following correction process. These rules apply only to a score sheet with a form revision date of Rev. 07/02 or later:

##### **Correct the Central File**

- Annotate the original score sheet in the C-File. Line through the item or items to be changed and write the new information beside the box or boxes. Initial and date those notations. This provides central file documentation of the original and new values and changes on the score sheet.
- Continue to carry forward the correct Prior Preliminary Score and New Preliminary Score on any subsequent score sheets in the C-File to reflect the corrections made. Ensure that the correct score is carried forward if a new score sheet is completed.

##### **Prepare a "Correction" score sheet:**

When the score sheet to be corrected in the central file has a form revision date of Rev. 07/02 or later, follow these steps to correct the database:

- Begin with a blank score sheet. The blank score sheet must be the same type of score sheet as the one being corrected. For example, when a CDC Form 839 needs to be corrected, the "Correction" score sheet shall also be a CDC Form 839.
- Complete the Identifying Information section of this blank score sheet by entering the inmate's CDC Number and Inmate's Last Name.
- Enter the same date as the date that appears on the original score sheet that is being corrected. Exception: Neither the CDC Number nor the date field in the Identifying Information section of the score sheet can be corrected. See DOM § 61020.20.10 and contact OISB.
- Enter an "X" in the box Item 5.b, Form Identification, at the top of the score sheet.
- Enter the date that the score sheet is being corrected in the "Date Corrected" boxes directly to the right.

##### **Correction rules only for a score sheet with a revision date of Rev. 07/02 or later:**

- Enter only the values that need to be corrected in the box or boxes to be corrected. Leave the Correction area of the score sheet blank. Do not enter a value in this area.
- Record new values in boxes where information is new.
- Place an asterisk in a box where a letter is to be removed.
- Place a zero in a box where a numeric value is to be removed.
- Place zeros in all six date-field boxes for a date that needs to be removed. Exception, the date field in the Identifying Information section of the score sheets cannot be corrected. (see DOM § 61020.20.10.)
- To replace an incorrect date, other than the date of the original score sheet, enter the correct date in all of the date field boxes.
- Where there are several boxes for one field, an asterisk in the first box removes all.
- Always record the Preliminary Score when preparing a CDC Form 839 correction and record the Prior Preliminary Score and the New Preliminary Score when preparing a CDC Form 840 or 841 correction, even if there was no change in the score resulting from the correction.
- Leave the Mandatory Minimum Score boxes blank.
- Any changes to the Mandatory Minimum Score Factor Code and/or Mandatory Minimum Score shall be recorded on a "New" document as part of a regularly scheduled classification hearing. A "correction" document shall not be prepared.
- Leave the Placement Score boxes blank unless it is an item that is being corrected.
- The name of the Current Institution and Facility may be entered.
- The Counselor's name may be entered.
- A Change in Term Points is not recorded as a "Correction." Any Change in Term Points is recorded on a "New" CDC Form 840 or "New" CDC Form 841 as appropriate.



Submit the canary copy of the "correction" score sheet to:

Department of Corrections and Rehabilitation  
Information Quality Support Section  
P.O. Box 942883  
Sacramento, CA 94283-0001

The green copy of the "Correction" score sheet is to be given to the inmate.

The original white copy of the "Correction" score sheet may be discarded.

#### **61020.20.10 Deleting a Previously Submitted Score Sheet With a Revision Date of Rev. 07/02 or Later**

If a score sheet with a revision date of Rev. 07/02 or later has been submitted to the database that has an erroneous CDC Number and/or Date in the Identifying Information section, it is necessary to prepare a "Delete" score sheet to remove the erroneous information.

##### **Correct the Central File:**

Annotate the original score sheet in the C-File. Line through the CDC Number and/or Date and write the new information beside the appropriate box or boxes. Initial and date those notations. This provides central file documentation of the original and new values and changes on the score sheet.

##### **Prepare a "Deletion" score sheet:**

Begin with a blank score sheet. The blank score sheet must be the same type of score sheet as the one being deleted. For example, if the CDC Form 839 is to be deleted, then use a CDC Form 839.

Complete the Identifying Information section of this blank score sheet by entering the inmate's CDC Number and Date as shown on the original score sheet being deleted.

Enter an "X" in the box Item 5c, Form Identification, at the top of the score sheet.

This will delete the entire score sheet from the database. It is not necessary to recopy any additional information as recorded on the original score sheet.

Submit the canary copy of the "Delete" score sheet to the address noted above.

Provide the green copy of the "Delete" score sheet to the inmate.

The original white copy of the "Delete" score sheet may be discarded.

##### **Complete a "New" Score Sheet to Replace the Deleted Score Sheet**

Complete a "New" score sheet filling in all of the correct information. This may also include endorsement information should the score sheet that was deleted contain that type of information.

Important: Any situation not described within the DOM §§ 61020.20.9 and/or 61020.20.10, contact the Classification Quality Assurance Unit in the Offender Information Services Branch in Sacramento for instructions.

#### **61020.20.11 CDC Form 816, Reception Center Readmission Summary**

The CDC Form 816, Reception Center Readmission Summary, shall be prepared for each parole violator who has been returned to custody with or without a new term, unless the new term is a Life term. This requires an ISRS. The Reception Center Readmission Summary shall also be completed for cases designated as DPU cases per DOM § 61020.20.

The following guidelines have been established for completing the CDC Form 816:

##### **Identifying Information**

Enter the inmate's CDC Number, Inmate's Name, last name and first name, and the Reception Center or Institution where the case is being prepared.

##### **Parole Violator With New Term or Parole Violator Return to Custody**

Enter an "X" in the box designating the inmate's return status. If the inmate has been designated as both an RTC and WNT, place an "X" in the box designating the status that determines the controlling release date.

WNT - New Commitment Offense.

- Enter the new commitment offense(s), description(s), and the number of counts.

RTC - Parole Violation Charge(s) and Commitment Offense(s).

- Enter the parole violation(s) for which Good Cause was found. List the most serious offense first.
- Enter the original controlling commitment offense.

##### **Enemy Information/Confidential Information/Gang Information**

CDC Form 812

- Enter an "X" in "Clear" if there is no enemy information or gang activity.

- Enter an "X" in "Noted" if there is gang activity, but no enemy information noted.
- Enter an "X" in "Updated" if there is enemy information and enemy location(s) have been updated.

##### **Confidential Information**

- Enter an "X" in "Clear" if there is no confidential information in the central file.
- Enter an "X" in "Noted" if there is confidential information in the central file, but no enemy information.
- Enter an "X" in "Updated" if there is enemy information in the confidential file and the enemy location(s) have been updated.

##### **Gang Activity**

- Document the name of the street gang/disruptive group/prison gang.

##### **Holds/Detainers**

Enter an "X" in "Clear" if there are no active holds, warrants, detainers, or timeservers in the central file.

##### **Felony**

- Enter Felony Hold, Warrant, or Detainer information here. Enter crime, agency information, bail amount, etc.
- If there is an active timeserver, enter the date that the timeserver expires.
- If there is a potential hold, warrant, or detainer, enter that information in the space provided. Provide a description of the charge for which the inmate may be wanted and from which jurisdiction. Include the source document from which the potential hold was identified.

##### **Foreign Born**

- Enter "No" or "Yes" to document whether or not the inmate is foreign born.

##### **USINS**

- Enter "P" or "A" to document if the inmate has a Potential or Actual USINS hold. It is not necessary to document the A# on the CDC Form 816.

##### **Medical/Psychiatric**

###### **Medical**

- Enter medical clearance (e.g., Full Duty/Camp). Abbreviations are appropriate.

###### **Dental**

- Enter the dental code as recorded on the CDC Form 128-C-1.

###### **Tuberculosis Alert Code (TBAC)**

- Enter the inmate's current TB code.

###### **Developmental Disability Program (DDP)**

- Enter the code that reflects the inmate's current DDP status per the most recent CDC Form 128-C-2.

###### **Disability Placement Program (DPP)**

- Enter No or the current DPP code(s), whether impacting or non-impacting, per the CDC Form 1845(s).

###### **Psychiatric**

- Enter "Clear" or MHSDS Level of Care (e.g., CCCMS).

###### **Mentally Disordered Offender (MDO)**

- Enter an "X" in "Clear" if there is no violence or threat of violence in the instant offense pursuant to PC § 2962.
- Enter an "X" in "Offense Only" if the inmate has a qualifying violent offense.
- Enter an "X" in "Referral" if the case is to be referred to the MDO Coordinator.

##### **Escape History**

Enter an "X" in "Clear" if there is no escape/walkaway history.

If escape/walkaway history exists:

- Enter the type of escape. Elements to be addressed include, but are not limited to:
  - With Force, Without Force, Walkaway.
  - From a Secure Facility or from a Non-secure Facility.
  - From Armed Escort or Fleeing an Officer.
- Enter whether it was an actual escape or attempted escape.
- Indicate whether or not the inmate was convicted.

- Enter the county where the escape/walkaway occurred.
- Enter the charge and disposition if available.
- Include the date of the escape/walkaway when available.
- Enter the source of the information.

#### Arson History

Enter an "X" in "Clear" if there is no arson history.

If arson history exists:

- Enter the type of arson and if injury occurred.
- Enter whether it was an actual arson or attempted arson.
- Indicate whether or not the inmate was convicted.
- Enter the county where the arson occurred.
- Enter the charge and disposition if available.
- Include the date of the arson when available.
- Enter the source of the information.

#### Sex Related Offenses

Enter an "X" in "Clear" if there is no history of sex related offenses.

If a sex-related offense history exists:

- Enter the type of offense.
- Enter whether or not the offense was attempted.
- Indicate whether or not the inmate was convicted.
- Enter the county where the offense occurred.
- Enter the charge and disposition, if available.
- Include the date of the offense when available.
- Enter the source of the information.

"R" Suffix

- Enter an "X" in "R Suffix" if an "R" suffix is warranted or has been imposed.
- Leave the "R Suffix" box blank if a review is needed. If review by UCC is recommended, explain in the "Hx" area of the form.

Sexually Violent Predator (SVP) Screened

- If the inmate is required to register per PC 290:
  - Enter an "X" in "Yes" if the screening has been completed.
  - Enter an "X" in "No" if the screening has not been completed.

#### Institutional Case Factors

Paroled From

- Enter the prison or facility from which the inmate last paroled.

Last Custody Level

- Enter the inmate's last designated custody level.

Prior Administrative Determinant

- Enter administrative determinant(s) applied during the prior incarceration.

Special Work Skills

- Record documented special work skills.

"S" Suffix (single cell required)

- Enter the word "None" if an "S" suffix is not required.
- Enter an "X" in "Affixed" if an "S" suffix has been affixed and enter the reason.

Serious Rules Violation Report

- Enter the word "None" or record any serious disciplinary in the inmate's current commitment. Identify any "Big 6 offenses" by date during any prior incarceration.
- The Big 6 Offenses include the following:
  - Battery or Attempted Battery on a Non Prisoner.
  - Battery or Attempted Battery on An Inmate.
  - Distribution of Drugs.
  - Possession of a Deadly Weapon.
  - Inciting a Disturbance.
  - Battery Causing Serious Injury.

Other Case Factors

- List any other case factors that may be important to note. For example, registration/notification requirements, computer crimes, DNA required, etc. Also list institution placement recommendations for DPP inmates.

#### Special Programs Screening

For MSF and Camp, enter an "X" to indicate "E," "L," or "P."

Where an "X" is entered to indicate "L" or "P," identify the reason for ineligibility on the line provided. Use abbreviations and/or administrative determinant codes.

For the other Special Programs listed, enter an "X" to indicate "E" for eligible or "I" for ineligible. Where ineligibility is noted, enter the reason.

Address CPMP eligibility for female inmates.

#### Placement Recommendation

Primary

- Enter the institution name and security level for the primary placement recommendation.

Alternate

- Enter an alternate recommendation by institution name and security level.

Inmate Concur

- Check the box if the inmate concurs with the recommendations.

Inmate Request if Different

- Record the inmate's requested placement if different from the primary and/or alternate recommendations.

CCI Printed Name/Signature and Date

- The Correctional Counselor shall print his or her first name or initial and last name and shall sign and date the form on the line provided.

CCII Printed Name/Signature and Date

- The Correctional Counselor II shall print his or her first name or initial and last name and shall sign and date the form on the line provided.

Concur With Recommendation/Disagree

- The Correctional Counselor II shall enter an "X" to indicate "Concur" or "Disagree" with the recommendations. If the CCII has indicated "Disagree," he or she shall enter the recommended institutions, security level, and reason for the recommendations.

#### 61020.21 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the content of this Article is current and accurate.

#### 61020.22 References

PC §§ 5054, 5058, and 5068.

CCR (15) §§ 3375 and 3378.

### ARTICLE 3 — CUMULATIVE CASE SUMMARY

*Revised October 31, 1990*

#### 61030.1 Policy

Inmates received by the Department shall be evaluated by staff upon reception and the cumulation of information and case material shall be formulated into the Cumulative Case Summary.

#### 61030.2 Purpose

The cumulative case summary is a formal summation of information needed to make decisions about each inmate throughout their institution and parole period under the Department's jurisdiction.

#### General

The cumulative case summary is the result of the study required by PC 5068 prepared at the reception center. It provides a format to summarize changes in legal or case factors, program needs, behavior or attitude, and provides other necessary information throughout an inmate's incarceration. Information shall be limited to that which is necessary for case management decisions.

#### Cumulative Case Summary (Documents)

The cumulative case summary shall consist of the following documents:

- Legal Status Sheet (LSS), CDC Form 188.
- POR.
- CI&I SSCH Report.
- Psychiatric/psychological evaluation.
- Institutional Staff Recommendation Summary (ISRS).
- Reception Center Readmission Summary, CDC Form 816, (Readmission Summary).
- Social Factors Sheet.

### 61030.3 Distribution

When completed, the original cumulative case summary shall be retained in the inmate's C-File.

The inmate shall be provided a copy of the cumulative case summary, excluding the CI&I SSCH report and CDC Form 112, prior to initial classification.

### 61030.4 Style and Content

The cumulative case summary shall be a concise objective report using simple language with any necessary professional/technical terms explained. The cumulative case summary is a permanent record that is reviewed by other agencies and the courts, and as such it shall be prepared in a professional manner regarding content, grammar, spelling, punctuation and typing. With the exception of the CDC Form 816, Reception Center Readmission Summary case summaries shall be typed with all headings included. The preprinted CDC Form 816 shall be prepared in a legible handwritten manner.

### 61030.5 Completeness and Accuracy

The cumulative case summary shall be complete, accurate and brief, and contain all information that is important to the management of the individual. Sound, objective judgment is required, and all reasonable efforts shall be made to obtain and verify all information. When other documentation is used or quoted, the source/reference material shall be identified such as, "work skill as diesel mechanic, page 9 of the POR". Significant information that cannot be verified shall be noted as such.

#### Information Gathering

The inmate's consent shall be sought when gathering information from outside sources, although the Department may gather such information without consent.

#### CYA and CDC Discharged Terms Files

When reception center staff determine that an inmate has a CYA history within the last five years or a CDC discharged term, a request shall be made, as soon as possible, to send the discharged file(s). The counselor shall incorporate the information into the new C-file. Copies of documents may be incorporated as necessary but the actual documents shall not be removed from the discharged C-file(s). Following endorsement by a CSR, the discharged file(s) shall be returned to the archives unit or otherwise disposed of by the records personnel.

#### Other State or Federal Records

The casework follow-up section shall request the receiving institution to obtain records for any other state or federal prison terms served.

#### Format

The cumulative case summary shall be prepared and assembled in the proper format and order as described in this section.

#### 61030.5.1 Chronological History (CDC Form 112)

The CDC Form 112, Chronological History, contains dates and other information on the inmate's arrival, transfer, release, BPT hearings, holds, and forfeiture and restoration of time credits.

#### 61030.5.2 Legal Status (CDC Form 188)

CDC Form 188, Legal Status Sheet, contains the inmate's legal status and other sentencing information and shall be prepared at the reception center. Those inmates sentenced to life, life without the possibility of parole, or to one year-and-one-day will have CDC Form 188 prepared by the LPU in Headquarters.

#### 61030.5.3 POR

The POR is the main source document for information on inmates committed to the Department. All relevant information shall be neatly underlined in dark ink. The POR is obtained from the court and is part of the commitment package.

#### 61030.5.4 CI&I Report

The inmate's CI&I SSCH report shall be requested from State DOJ by the reception center. If not received before the inmate's transfer, it shall be forwarded to the receiving institution for proper inclusion in the inmate's C-file.

#### 61030.5.5 Psychiatric/Psychological Evaluations

The Penal Code only requires psychiatric/psychological evaluations on cases convicted for child abuse or neglect (PC 3002). Other psychiatric/psychological evaluations shall be prepared when indicated by sound clinical judgment.

### PC 1203.03 Diagnostic Evaluations

Reception center staff may prepare a psychiatric/psychological evaluation on cases received for diagnostic study under PC 1203.03. These evaluations shall be placed with the cumulative case summary in the C-file.

#### Staff Referral

Psychiatric/psychological evaluations shall be prepared for those inmates who, based on staff observation or information from other agencies, appear to have serious psychiatric/psychological problems likely to have a significant affect on institutional adjustment. Evaluations shall be recorded on a CDC Form 128-C, Medical/Psychological Chrono, and placed in the General Chrono section of the C-file.

#### BPT Psychiatric/Psychological Evaluations

Staff shall prepare psychiatric/psychological evaluations requested by the BPT. These evaluations shall be placed in the BPT section of the C-file.

#### Willful Cruelty to a Child (PC 3002) Psychiatric/Psychological Evaluations

Inmates convicted of PC 273a (Willful Cruelty Toward Child/Endangering Life, Limb or Health) and PC 273d (Inflicting Corporal Punishment Upon Child Resulting in Traumatic Injury) shall receive a psychiatric/psychological evaluation to determine the extent of counseling which may be mandated as a condition of parole as required by PC 3002. Referral to psychiatric/psychological staff shall be in sufficient time to allow the completed evaluation to be mailed with the CDC Form 611, Release Program Study. The evaluation shall be completed by reception center staff if the inmate is retained for work crew or pre-release.

Notice shall be made in the Psychiatric/Psychological and Casework Follow-up sections of the ISRS or Medical/Psychological section of the Readmission Summary when an evaluation is required under PC 3002.

#### 61030.6 Institutional Staff Recommendation Summary (ISRS) Format

An ISRS shall be prepared about each newly committed inmate. In addition, an ISRS shall be prepared for parole violators returning with a new term of life imprisonment.

##### 61030.6.1 Exceptions to ISRS Format

The ISRS for a pre-sentence diagnostic study case (PC 1203.03) shall be prepared in the same format except for the following:

- A criminal history section shall be included between the casework follow-up and the evaluation sections.
- The "EVALUATION" section shall include a recommendation to the court on PC 1203.03 cases. If the inmate is subsequently committed to the Department, the "TRANSFER" part of the ISRS shall be included along with a supplementary evaluation reflecting any significant changes since the diagnostic evaluation.

##### 61030.6.2 ISRS Section Contents

#### Supplemental ISRS Report

If the inmate is subsequently committed to the Department, a report entitled "Supplemental ISRS Report" shall be completed to show any significant changes since the diagnostic evaluation and to complete the transfer section.

#### Source of Report

The format of the ISRS and the content of each section shall be as follows:

- List the sources from which the report is prepared such as inmate interview, POR or old C-file.
- Include the date the inmate was interviewed and the date of each document.

#### Confidential Information

If there is no information requiring placement in the Confidential Materials Folder indicate "None". If there is confidential information specify the type by using one of the following designations:

- Enemy;
- Gang;
- Notification of interested party; or,
- Other.

#### Holds/Detainers

Identify each actual and potential hold by indicating the offense and Code Section, whether felony, misdemeanor, or probation violation and the County originating the hold. If the hold is for USINS, indicate the country of birth. If there is a potential hold, the counselor shall insure that a CDC Form 850, Detainer Summary, is completed. If a "time server" or concurrent sentence is indicated, list the expiration date. If it is for a consecutive term, indicate the offense and term. Holds received by reception center staff after the inmate's

transfer shall be telephonically communicated to the receiving institution and forwarded by mail.

#### **Medical/Dental**

Record the level of duty assignment and any significant medical problems indicated by medical staff. Indicate the reason(s) if the inmate is judged not medically qualified for camp assignment or has a medical infirmity that may limit the inmate's ability to work. Describe the type of medication or other medical treatment the inmate receives, if any. Indicate the inmate's self-reported medical problems.

#### **Psychiatric/Psychological**

When a psychiatric/psychological referral is required, indicate the reason for the referral, such as PC 3002 or staff observation. If an evaluation is prepared at the reception center, it shall be placed in the Cumulative Case Summary and the conclusions summarized in this section. State "No Referral" if the inmate is not referred for evaluation.

#### **Work Skills**

Describe the inmate's work experience and employable skills. Note the sources of and any supporting information, including the inmate's statement.

#### **Narcotics/Drugs/Alcohol**

Indicate the amount and frequency of narcotic/drug/alcohol use and whether the inmate was considered addicted. Note the source of the information.

#### **Escape History**

Indicate the date(s) and location and describe the type of facility (ies) and means of escape such as failure to return to a work furlough facility, climbed over double fence or armed perimeter, or ran from courtroom while under custody of the sheriff, or whether force was used. Note the source of the information. State the reason if no classification points were assessed.

#### **Arson History**

Indicate the date, code section and circumstances of the arson offense. Distinguish arrests and convictions and whether a juvenile or adult at the time. Note the source of information.

#### **Sex-Related Offenses**

Identify all sex-related convictions, detentions and arrests, and include the PC number. Indicate the date, location and type of offense, such as rape, unlawful sexual conduct, incest, sodomy or lewd and lascivious conduct. Indicate if the inmate is required to register as a sex offender pursuant to PC 290. Indicate if "R" suffix is appropriate or should be evaluated at the receiving institution. Note the source of the information.

#### **Academic/Vocational**

Indicate the last grade completed; whether high school graduate, GED recipient, college graduate, or vocational training certified. Enter the inmate's test scores and the recommendation for program involvement. Indicate if inmate is interested in additional instruction.

#### **Casework Follow-Up**

Indicate any pertinent information not available prior to transfer that the receiving institution should obtain. This could include academic, military, employment, medical, psychiatric or prison history documents which may be required by the receiving institution. Be sure to note any outstanding or pending criminal charges requiring follow-up and action taken. A copy of any letter(s) requesting documentation shall be placed in the inmate's C-file with appropriate notations on the CDC Form 850 in the Detainers Section of the C-file. Indicate if the inmate should be evaluated for "R" custody.

#### **Criminal History**

Describe the inmate's past criminal behavior, including the type of offenses, dispositions, degree of criminal sophistication and adjustment to incarcerations. Evaluate the circumstances and involvement in instant offense and relationship, if any, to pattern of offenses. Do not repeat the details of the offense as reported in the POR. The use or threat of excessive force or aggression involved in any criminal behavior, arrests, or incarcerations shall be fully discussed and evaluated. It is essential that all such information be incorporated into the ISRS.

#### **Evaluation**

The evaluation section shall be brief but reflect a complete picture of the social and personal dynamics of the inmate's behavior. This section shall also include an evaluation of the inmate's reaction to authority figures, adjustment to confinement, and attitude and behavior as observed by reception center staff. Facts included in other sections or reports should not be repeated except where needed for illustration. Predictive statements shall be clearly supported by the evaluation. The evaluation shall emphasize present functioning, attitudes and behavior, with historical facts referenced only to provide insight to the inmate's present situation. Include a brief summary of the individual's overall strengths, weakness, and prospects for

both the near and distant future. For PC 1203.03 cases, the evaluation shall be the last section and shall include a recommendation to the court.

#### **Reentry**

This section shall only be completed in the reception center if the inmate has six months or less to parole or is assigned to the center's permanent work crew. Describe the inmate's plans and resources for employment and residence and any special needs or concerns.

#### **Transfer Classification Score**

Enter the inmate's classification score from the CDC Form 839, Classification Score Sheet, or CDC Form 840, Reclassification Score Sheet. Designate any suffix, such as "R" (sex crime) or "S" (single cell housing) and indicate the reason.

#### **Community Correctional Facility Eligibility**

Indicate if the inmate's case factors are consistent with eligibility criteria for community correctional facilities. Specific focus will be on work furlough, if the inmate is within six months of the 1/3 EPRD and on RTC facilities, as defined in PC 2910.5, if the inmate is within eighteen months of the EPRD. In addition, female inmates will also be identified for eligibility for the Community Prisoner Mother Programs (CPMP). Conclude the section by indicating each type of program for which the inmate is eligible and interest in the programs, if eligible.

#### **Institution Recommendation**

*Updated September 25, 2007*

The Penal Code requires that placement in an appropriate institution nearest to where the newly committed inmate's parents, spouse, registered domestic partner, or children lived at the time of commitment be considered unless factors, such as classification criteria, availability of beds or time to serve, make such placement unreasonable. Indicate the institution the inmate requests, if any, whether it qualifies as closest to the home address and any obstacles or benefit from granting the request. Indicate the institution or community correctional facility recommended and one alternate. Provide the reason for the recommendations, not just the score/level.

#### **Administrative Placement**

When a recommendation is made for placement in a security level different from the inmate's classification score level, indicate the reason.

#### **Correctional Counselor and Date of Report**

Indicate the name and the job title of the counselor who prepared the report and the date prepared.

#### **Supervisor's Comments and Recommendation**

The counselor's supervisor shall review all the material for completeness and accuracy, and indicate if they concur with the institutions recommended. If the supervisor's recommendation is different, give the reason(s). Indicate the supervisor's name and job title and the date reviewed.

#### **61030.7 Social Factors Sheet**

A social factors sheet shall be prepared at the reception center on all new commitment process cases and is a part of the summary.

#### **61030.8 CSR Review**

All aspects of the processing shall be completed prior to the CSR's review. The reception center staff shall provide the CSR with a blank CDC Form 128-G, Classification Chrono, upon which the inmate's name, number and the reception center have been typed. Any file from CYA or CDC discharged term used in the report preparation shall be available for the CSR's review.

#### **Documentation in C-File**

The following documents, with the pages in order, shall be clipped together in the sequence below and placed in the classification portion of the C-file for review by the CSR.

- CDC Form 128-G (for CSR transfer documentation).
- CDC Forms 839 or 840.
- ISRS or CDC Form 816.
- CDC Form 812.
- CDC Form 812-A, if required.
- Social Factors Sheet.
- POR.

All other documents in the C-file shall be filed in accordance with the DOM 72030.

Any C-Files from prior terms used in the case work-up shall be available for the CSR's review.

### **61030.9 Reception Center Readmission Summary/CDC Form 816 (Readmission Summary)**

Parole violators RTC and with new terms (WNT) shall be processed using the Readmission Summary that is similar in format to the Cumulative Case Summary.

### **61030.10 Case Summary/Readmission Summary/Inclusion of Late Information**

The Cumulative Case Summary's and Readmission Summary's usefulness depends upon their accuracy and completeness. In some cases, documentation may be received after the preparation of the ISRS or the CDC Form 816. When this occurs, the following procedures shall be followed:

#### **Reception Center Late Information Processing**

The CCRM is responsible for incorporating all available late legal documents into the C-file prior to the inmate's transfer. Clinical material and non-legal documentation arriving after completion of the Cumulative Case Summary shall be reviewed by the counselor who completed the original report or a supervising counselor.

If the material warrants modification of the case factors, the counselor shall up-date the C-file. This shall be accomplished by having the ISRS retyped, rewriting the CDC Form 816 or by including an addendum following the supervisor's comments. The counselor shall also correct CDC Forms 839, 840, 812, and 812-A and other documents as needed.

If information is received after CSR endorsement that could contraindicate transfer to the facility endorsed, the information shall be immediately evaluated and the case resubmitted to a CSR with a new recommendation, and the reasons.

#### **Information Arriving After Transfer**

When the inmate has transferred, legal documents shall be forwarded to the attention of the CCRM at the receiving institution. Non-legal documents received after the inmate has been transferred shall be forwarded to the CC-III or C&PR at the receiving institution with a notation that the "material has not been included in the Cumulative Case Summary". Non-legal documents include C-file material from discharged terms, statements pursuant to PC 1203.01, letters from victims or next of kin and letters from law enforcement agencies or defense attorneys.

#### **Institutions' Late Information Processing**

The counselor at the receiving institution shall review the supplemental information and update the new C-file as necessary. This may require a change in the classification score, institution placement, enemy information (CDC Form 812) or confidential information. If the inmate's classification score level or the placement appears inappropriate for some other reason, the case shall be referred to a CSR by the classification process for transfer review.

### **61030.10 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.

### **61030.11 References**

PC §§ 273(a) and (d), 1203.01, 1203.03, 3002, 5068 CCR (15) § 3377.1.

## **ARTICLE 4 — PRESENTENCE DIAGNOSTIC STUDY**

*Effective October 25, 1989*

### **61040.1 Policy**

Pursuant to PC 1203.03, persons placed with the Department shall be evaluated by staff for a pre-sentence diagnostic study.

### **61040.2 Purpose**

This section establishes standard procedures for the acceptance and processing of PC 1203.03 cases requiring a pre-sentence diagnostic study.

### **61040.3 Pre-sentence Diagnostic Study**

#### **Authority**

P C. 1203.03 permits courts to temporarily place defendants convicted of an offense, punishable by imprisonment in state prison, in facilities of the Department for purposes of diagnosis and treatment.

### **61040.4 Reception Center Delivery**

Persons committed for diagnosis shall be delivered by the county sheriff to the reception centers at the CIW, CIM, and CMF for PC 1203.03 processing.

A copy of the court order committing the individual to the Department is required before the person may be accepted. The copy must meet two of the following three requirements:

- Signed by a judge.

- Bear the seal of the court.
- Certified by the county clerk.

A CDC Form 123, Body Receipt, shall plainly indicate that the person was "received for diagnosis" and not "received from court."

The reception center's CCRM shall maintain a record of PC 1203.03 workload and maintain a log of referrals by name, commitment offense, county of commitment and the date received.

### **61040.5 Rejection of Cases**

Cases may be rejected when The Director determines that the Department's staff or facilities cannot adequately provide services. Any proposed rejection of cases shall be referred to the Director. However, the authority to reject the following specific cases is delegated to reception center AW.

Chronic or acute medical/psychiatric cases which necessitate intensive care, such as those who are in need of specialized treatment like dialysis or who have a mental illness of such magnitude that psychiatric hospitalization is required.

Cases where the background information necessary to conduct an appropriate evaluation is inadequate. These include cases referred without a POR or minus other documentation such as an arresting officer's report.

### **61040.6 Length of Observation**

PC 1203.03 provides for a maximum 90-day observation period; however, the diagnostic report shall be completed and transmitted to the court within 23 working days of reception except in unusual circumstances.

#### **Medical Extensions**

When it is determined that a person is suffering from a treatable condition and more than the 90 day period is necessary to treat the condition, the reception center administrator may petition the court, with the person's signed consent attached, to extend the period. If the court finds the petition appropriate, it can order the extension and transmit a copy of the order to the Director.

### **61040.7 Reporting to OBIS**

All PC 1203.03 cases received shall be entered into the OBIS Institution Movement Subsystem as a new admission.

When the individual is returned to the court, the case shall be entered into the OBIS Institution Movement Subsystem as a discharge and shall include the Department's recommendation to the court.

### **61040.8 Diagnostic Study Format**

The diagnostic summary in these cases shall consist of a case summary preceded by a short summary report that will be prepared by the Correctional Counselor, and staff psychiatrist/psychologist in accordance with the approved format in the DOM 61030.

#### **61040.8.1 Identifying Information**

This section shall begin with the following paragraph.

"A diagnostic study and recommendation under the provisions of PC 1203.03 has been requested in the case of (Name), (County Court Number), (CDC Number)".

"This evaluation was prepared with the objective of assessing the defendant's potential for functioning successfully on probation or under other supervision and the level of threat to the community if he/she should fail to live up to that potential. It has not focused on the issue of deterrence, nor of punishment; those are factors which are not responsive to the interview and evaluation format of the PC 1203.03 process".

The remainder of this section shall include the age of the defendant, date received in the Department, name of court, county and on what charge.

Any specific questions or requests by the court shall be identified and listed in this section.

#### **61040.8.2 Recommendation to the Court**

Short summary of instant offense and brief recap of criminal history.

This section shall be confined to specific recommendations of the Department staff. All recommendations shall begin with the words, "It is respectfully recommended to the honorable court that . . ." In those cases recommending probation, the specific recommendation shall begin with the phrase, "If eligible for probation..." Conditions of probation may be recommended. Where possible, they will be based on knowledge of the county's resources and contain alternate suggestions for the court's consideration.

#### **61040.8.3 Reasons for Recommendation**

Provide in sufficient manner the salient factors contributing to the recommendation. Avoid listing information in the case summary, except when it contributes significantly to the recommendation. Make certain that any specific questions or requests from the referring court are fully answered.

If the study suggests solutions beyond the scope of the court's expressed concern, the judge should be contacted and the matter discussed with them for clarification prior to the preparation of the written report. These summary reports shall be dated and signed by the reception center AW. Should the recommendation involve a difference of opinion among the staff, this shall be indicated in the letter as well as the procedure by which the difference of opinion was resolved.

#### **61040.9 PC 1203.03 Cases, Case Summary Preparation**

The case summaries prepared for PC 1203.03 cases shall be identical to the regular felony case summaries. See DOM 61030.

All procedures that apply to regular felony commitment cases apply to pre-sentence diagnostic cases. For example, if a person received a rules violation report while undergoing the 90-day study, this shall be recorded in the C-File and, if the person is returned under a felony commitment, reflected in subsequent reports in the same manner as for all commitments.

#### **Psychological Report**

A psychological evaluation may be prepared on PC 1203.03 cases.

#### **61040.10 Transmittal to the Court**

The study shall be reviewed by the reception center administrator before transmittal to the court. Cases that present unusual problems or raise new questions shall be referred to the Chief, Classification Services, before submitting them to the court. The AW shall also ensure that the report calls attention to the following sections, if applicable.

#### **61040.10.1 CYA/Mental Health Reports**

The individual is currently under commitment to the Department, CYA or the California DMH, and a progress report of the last six months is available.

#### **61040.10.2 Pending Charges**

The individual has felony charges pending in another court, or is currently on probation or parole from another jurisdiction and is subject to revocation as a result of the current offense.

#### **61040.10.3 Master Report**

Reception center staff shall prepare the original of the study and send four copies to the court by first class mail to arrive before the individual is returned. The original shall be retained at the reception center for six months after submission to the court at which time it shall be forwarded to the Archives Unit at CMF, where it shall be retained for two and one half years.

#### **61040.10.4 Transmittal Letter**

A standard transmittal letter shall be used to transmit the study to the court (refer to DOM 61030).

#### **61040.10.5 Information Disclosure**

Copies of the study issued to the court will be served upon the defendant or their attorney, the probation officer and the prosecuting attorney by the court and shall not be disclosed to anyone other than departmental employees without the consent of the defendant.

Diagnostic cases remain under the jurisdiction of the court therefore the requirements of "In re Olson" are accomplished by the court.

#### **61040.11 Former Diagnostic Cases ("Z" Cases)**

When a former PC 1203.03 case is returned to court, discharged and then recommitted to the Department to serve a sentence for the original felony conviction, reception center staff shall:

- Insert the new prison number wherever the PC 1203.03 "Z" case number is found.
- Prepare a case summary update in accordance with DOM 61030.

#### **61040.12 Revisions**

The Deputy Director, Institutions, shall ensure that the content of this section is current and accurate.

#### **61040.13 References**

PC § 1203.03.

### **ARTICLE 5 — CLASSIFICATION PROCESS**

*Effective October 25, 1989*

#### **62010.1 Policy**

Statute authorizes the Director to maintain a continual diagnostic and prescription process involving a systematic study of each inmate's case considerations while confined to the Department.

The goals of the inmate classification system are:

- Placement of inmates in the lowest custody level consistent with case factors and public safety.

- Place inmates according to their classification score based on objective information and criteria unless case factors or departmental requirements indicate otherwise.
- Application of the classification process uniformly for all inmates in similar situations.
- Provision for centralized control over the classification process.
- Maintenance of an ongoing classification system information data base for departmental research and evaluation.

All decisions affecting an inmate's institutional placement, participation in programs and degree of custody shall be through the classification process.

#### **62010.2 Purpose**

The purpose of this procedure is to provide a systematic process for the programming, housing and custody decisions used in the management of inmates.

#### **62010.3 Responsibilities**

All classification actions are based on the authority of the Director who delegates functions to specific officials. A listing of these officials and functions are as follows:

#### **62010.3.1 Headquarters Staff**

Functions of headquarters staff include, but are not limited to, the following:

##### **Chief Deputy Director**

##### **Deputy and Assistant Deputy Director, Institutions**

- Acts in all classification matters on behalf of the Director.
- Responsible for the general supervision of the classification process.
- Supervise the Chief, Classification Services.
- Members of the Departmental Review Board (DRB).
- Review cases referred by the Chief, Classification Services.
- Authorize special transfer orders.
- Approve exceptional temporary community releases.

##### **Chief and Assistant Chief, Classification Services**

- Responsible for operational supervision of the classification process.
- Supervise the CSRs.
- Members of the DRB; present recommendations, record and implement DRB decisions.
- Review CSR decisions upon request of a Warden.
- Arrange special research and surveys of classification matters.
- Review cases referred by CSRs.

##### **CSR's**

- Represent the Classification Services Section carrying out the Director's classification policies and procedures.
- Review, approve, modify or disapprove inmate special housing programs and treatment category designations as recommended by institution staff.
- Act as liaison between central office and institutions in classification matters.
- Coordinate and maintain waiting lists for specific special housing and treatment categories.
- Approve receipt of CYA and California DMH cases, and coordinate and endorse the transfer of department inmates to those departments.
- Conduct special audits and reviews of classification committee actions to determine that departmental policy is being followed.
- Review and prepare letters for the Director to courts on PC 1170(d) cases.
- Designate on CDC Form 128-G, Classification Chronos "Special/Public Interest" cases.

#### **62010.3.2 Institution Staff**

The functions of institutional staff include, but are not limited to, the following:

##### **Wardens, Chief Deputy Wardens**

- Responsible for institutional classification process.
- Approve off-reservation work assignments, community betterment, and disaster relief crews. Authorized to sign orders for removal of inmates in time of specified disasters and/or temporary community release.
- Submit DRB and PC 1170(d) reports.

**RPAs**

- Responsible for operational supervision of reentry classification process.
- Designates the chairperson of classification committees.
- Reviews complex cases and resolves difference of opinion cases.

**AW**

- Approve camp eligible lists, as well as housing and assignments outside of the security area.
- Member of the institution classification committee (ICC).
- Responsible for the classification of inmates assigned to their division.

**Reception Center Administrators**

- Responsible for the reception center classification process.
- Make recommendations to the sentencing court pursuant to PC 1170(d) and 1203.03.

**C&PR**

C&PRs duties include, but are not limited to:

- Planning, organizing, and directing the total institutional classification process on behalf of the Warden.
- Ensures the quality of classification chronos, BPT reports, release program studies, and DRB reports.
- Effects staff adherence to classification policies, procedures, and goals.
- Establishes a system to ensure that post-board classification is conducted.
- Provides ongoing training for counseling staff.
- Serves on classification committees.
- Provides liaison between the institutions, P&CSD, BPT, and Classification Services.
- Coordinates and manages the records office operation.
- Signs CDC Form 161s, Checkout Orders.
- Exercises the duties of a CSR for intra-facility transfers.
- Reviews, approves, and signs CDC Form 611s, Release Program Studies (RPS).
- Approves/declassifies confidential information.

**Captains**

Captains in an institution are responsible for planning, organizing and directing a program for the unit's classification of inmates. This includes, but is not limited to, the following:

- Ensure the classification of all inmates assigned to their unit.
- Sign all transfer chronos, CDC Form 128-G.
- Act as classification hearing officers on cases placed in AD-SEG.
- Serve as members of the ICC and appropriate subcommittees.

**Supervising Counselors (CC-II, CC-III)**

Supervising counselors' duties include, but are not limited to, the following:

- Instruct and assist in training CC-Is and case work trainees.
- Assign, review, and control the quality of work prepared by CC-Is and trainees.
- Assist counselors on difficult cases by utilizing case conferences.
- Participate as a member in the classification process.
- Audit CDC Forms 839 and 840, Classification Score Sheets.
- Schedule and coordinate all unit classification committees (UCCs).
- Prepare and/or review institutional staff recommendation and readmission summaries (reception center).

**CC-I**

CC-I's shall:

- Collect and evaluate social, behavioral and educational data on inmates as well as evaluating the inmate's adjustment to an assigned program.
- Prepare the following:
  - CDC Forms 839 and 840.
  - CDC Form 812, Notice of Critical Case Information - Safety of Persons.
  - DC Form 812-A, Notice of Critical Information - Prison Gang Information.
  - Classification chronos.
  - BPT reports.

- Narcotic evaluation reports.

- RPS.

- Prepare institutional staff recommendation and readmission summaries (reception center).
- Prepare DRB, PC 1170(d), and 1203.03 reports.
- Prepare the C-File for attorney and other legal reviews.
- Attend classification committees.
- Provide individual and group counseling as needed.

**62010.4 Considerations**

The following considerations shall be utilized in classification committee hearings:

**General**

- Inmates shall be present at initial classification hearings and at other classification committee hearings which may result in an adverse effect upon their conditions of confinement, except for declared emergencies which temporarily prevent the application of classification rules.
- Security requirements, departmental needs, the inmate's program needs and classification score are primary factors which affect institution and program placement.
- Reclassification shall be an ongoing process of evaluating the inmate's needs, interests and desires, keeping in mind individual, security, and public safety.
- When a recommended transfer/program is deferred, the alternative shall provide for maximum program opportunities where possible.
- Classification scores shall be recalculated at least every 12 months.

**62010.4.1 In Absentia Hearings**

In absentia hearings are authorized under the following circumstances:

- The inmate refuses to appear before the committee.
- The inmate is physically incapable of appearing before the committee or is determined by a psychiatrist to be mentally incompetent to participate and understand the purpose of a hearing.
- The hearing is scheduled to improve the inmate's conditions of confinement by reduction or removal of a restriction previously imposed on the inmate.
- The hearing is to approve an action requested in writing by the inmate.
- The purpose of the hearing is for routine progress review to determine if future classification committee hearing should be scheduled.

When an in absentia hearing is held for any reason, that fact and reason shall be documented on a CDC Form 128-G.

**62010.4.2 Inmate Notices*****Revised November 1, 2004***

Whenever possible, the inmate shall be given written notice of the date and purpose of the hearing. The notice should allow a reasonable period of preparation to discuss the issues to be considered.

Temporary emergency actions may be taken without prior notifications. Emergency lockups and transfers shall not require advance notice, but the inmate shall have the opportunity to present information at the next classification hearing following the action. The reasons for the action shall be given to the inmate in writing as soon as possible after the action was taken and before the appearance (Refer to the DOM 62050.10, Special Housing Assignments).

**Actions Due to Overcrowding**

When the sole basis for moving inmates under the provisions of CCR 3383 is due to overcrowding, the Director, DAI, or designee shall notify the Senate Select Committee on the California Correctional System.

**62010.4.2.1 Adverse Effect**

Substantially, adverse effects are:

- Involuntary transfer to a higher level institution not commensurate with the inmate's classification score.
- Increased custody level.
- Involuntary placement in segregated housing.
- Involuntary removal from an assigned program.
- Placement in a reduced work credit group.

**Classification Actions**

Classification actions that may result in adverse effect require:

- Written notice to inmate of proposed action and reasons for the action at least 72 hours prior to the hearing.

- Delay of the hearing at least 72 hours at the inmate's request when an adverse action is proposed at a classification hearing. If the action cannot be postponed, a CDC Form 128-G will document the reasons. If the inmate waives the 72-hour period, the waiver shall be documented on the CDC Form 128-G.
- A counselor/staff assistant may be requested by the inmate to prepare a defense or understand the issues involved in cases not requiring immediate action.

#### Notice

When a classification hearing includes the consideration of a newly calculated or recalculated classification score, the inmate shall be provided with a copy of the completed form at least 72 hours in advance of the hearing. The inmate may contest the classification score in the hearing and may appeal the score and hearing results.

Form of notice:

- The person referring the inmate to classification shall prepare the CDC Form 128-B-1, Notice of Classification Hearing.
- A copy of the CDC Form 128-B-1 will act as notification when presented to the inmate.
- If the inmate has been served with a CDC Form 114D, Order and Hearing for Placement in Segregated Housing, it is not necessary to complete a CDC Form 128-B-1.

#### 62010.4.3 Suffixes

Suffixes shall be applied to degrees of custody to identify inmates with special restrictions or designations.

##### 62010.4.3.1 "R" Suffix

Revised November 3, 2006

The purpose of applying an "R" suffix is to ensure the safety of inmates, correctional personnel, and the general public by identifying inmates with a history of specific sex offenses.

##### 62010.4.3.1.1 Reception Center

The "R" suffix designation shall be affixed during reception center processing if one of the following four criteria applies:

- The inmate is required to register per Penal Code (PC) Section 290.
- The inmate's parole was revoked by Board of Prison Hearings (BPH) formerly known as Board of Prison Terms (BPT)/Parole Hearing Division (PHD) Good Cause Finding of an offense that is equivalent to an offense listed in PC Section 290.
- The inmate had a BPH formerly known as California Youth Authority (CYA)/Youth Offender Parole Board (YOPB)/Youth Authority Board sustained adjudication of an offense that is equivalent to an offense listed in PC Section 290.
- The inmate had a valid "R" suffix evaluation, as defined in this Section, resulting in the "R" suffix being affixed.

The assigned Correctional Counselor shall document the "R" suffix designation on the following applicable documents:

- Institutional Staff Recommendation Summary (ISRS)
- CDC Form 816, Reception Center Readmission Summary
- CDC Form 839, Classification Score Sheet
- CDC Form 840, Reclassification Score Sheet
- CDC Form 841, Readmission Score Sheet

Inmates with a prior "R" suffix evaluation inconsistent with the policy defined in DOM Section 62010.4.3.1.3 shall not have an "R" suffix applied. An "R" suffix evaluation must be completed at a receiving institution.

##### 62010.4.3.1.2 Receiving Institution

The "R" suffix designation shall be affixed to an inmate's degree of custody during initial classification when the "R" suffix was not applied during reception center processing and the inmate meets one of the four criteria above.

The assigned Correctional Counselor shall initiate an "R" suffix evaluation when:

- An inmate was arrested, detained, or charged with an offense that would warrant the inmate to register per PC Section 290.
- An inmate's charges were dismissed or no disposition of the charges per the criminal history, CI&I, FBI rap sheet and POR, for an offense that would warrant the inmate to register per PC Section 290.
- An inmate's probation was revoked/denied because he or she committed an offense, whether or not prosecuted, that would warrant the inmate to register per PC Section 290, and the inmate was

sentenced and ordered by the court to serve his or her sentence in CDCR.

- An inmate was arrested, detained, or charged with an out-of-state/country, federal or military offense deemed equivalent to a California law that would warrant the inmate to register per PC Section 290.
- An inmate's charges were dismissed or no disposition of the charges per the criminal history, FBI rap sheet and POR, for an out-of-state/country, federal or military offense deemed equivalent to a California law that would warrant the inmate to register per PC Section 290.
- An inmate was found guilty in a disciplinary hearing of a division A-1, A-2, or B offense that would warrant the inmate to register per PC Section 290.

An inmate shall not have an "R" suffix affixed during an "R" suffix evaluation when the required documentation is not available for review. A classification committee may complete a valid evaluation when the arrest report is available and the DA's comments are unavailable. The classification committee will document in the CDC Form 128-G the attempts/steps taken to obtain the required documentation.

If the relevant documents required to complete an "R" suffix evaluation are not available, i.e., destroyed, purged, lost, etc., the "R" suffix shall not be applied by a classification committee. The classification committee will document in the CDC Form 128-G the steps attempted in order to try and obtain the required documentation and why the documents are unavailable. Departmental Review Board (DRB) approval is required to affix an "R" suffix designation to an inmate's degree of custody if he/she meets the criteria in this paragraph.

An "R" suffix shall not be applied if the inmate was acquitted/found not guilty of the sex related charges in a court of law even if BPH Good Cause finding revoked his/her parole for those sex related charges.

##### 62010.4.3.1.3 "R" Suffix Evaluations

Inmates requiring an "R" suffix evaluation shall be carefully evaluated at the receiving institution and presented to a classification committee within six months after reception center processing. This review may be completed at an institution any time during the inmate's incarceration if not completed within the first six months.

"R" suffix evaluations shall be completed as follows:

- The assigned Correctional Counselor shall order the arrest report(s) and DA comments for the offense.
- The assigned Correctional Counselor may also obtain court documents or any other official documents necessary to complete the evaluation.
- Unit Classification Committee (UCC) shall consider the arrest report, DA comments, or any other official documents related to the case. The committee shall document the decision and the specific reasons for the action including the information upon which the decision was based on the CDC Form 128-G.
- UCC may affix the "R" suffix, elect not to affix the "R" suffix or refer the case to Institution Classification Committee (ICC) for evaluation.
- ICC shall consider the arrest report, DA comments, or any other official documents related to the case. The committee shall document the decision and the specific reasons for the action including the information upon which the decision was based on the CDC Form 128-G.
- ICC may affix the "R" suffix, elect not to affix the "R" suffix or refer the case to DRB for evaluation.

##### 62010.4.3.1.4 Classification Committees

For the purpose of this Section the following terms are defined:

- Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.
- Facility means a subfacility of an institution headed by a facility captain.

A facility UCC may complete an "R" suffix evaluation of an inmate. Should a different facility UCC at the same institution disagree with the first UCC's decision to affix or not to affix the "R" suffix, the committee must refer the case to the ICC for re-evaluation.

Should a facility UCC at a receiving institution disagree with a previous institution's UCC or ICC "R" suffix evaluation, the committee shall refer the case to their ICC for evaluation.



The receiving institution's ICC can reverse an "R" suffix evaluation completed by a previous institution's UCC as long as the case was not evaluated by the previous institution's ICC.

The receiving institution's ICC can reverse an "R" suffix evaluation completed by a previous institution's ICC only if new and compelling information is obtained; otherwise, the case must be referred to DRB.

#### **62010.4.3.1.5 Restrictions**

When an inmate is housed in a Camp, MSF, or Community Correctional Center and it is determined that he/she warrants an "R" suffix, the inmate shall be removed and housed in at least a Level II facility.

When an inmate is housed in a Camp, MSF, or Community Correctional Center and it is determined that he/she warrants an "R" suffix evaluation, the inmate shall be removed and housed in at least a secure Level I facility pending completion of the evaluation.

Inmates with "R" suffixes shall not be assigned outside the security perimeter.

An inmate whose "R" suffix has been removed shall be eligible for any housing or assignment, consistent with their custody and placement score, for which they otherwise would qualify had the "R" suffix never been designated.

#### **62010.4.3.1.6 Former PC Section 290 Registrants**

Inmates who have a valid Certificate of Rehabilitation pursuant to PC Section 4852.01 shall not have the "R" suffix affixed.

If the assigned Correctional Counselor notes the inmate, per the Criminal Identification and Information (CI&I), was convicted of a PC Section 290 Offense, but per the Legal Status Summary (LSS) he/she is not required to register, the assigned Correctional Counselor shall check the Detainers Section of the central file for a CDC Form 3017, "Relevant Central File Information."

If there is no CDC Form 3017 completed on the PC Section 290 registration, the assigned Correctional Counselor shall refer the case to Case Records for resolution.

#### **62010.4.3.1.7 PC Section 290 Offenses**

PC Section 290 offenses include, but are not limited to, the following:

- PC 207 Kidnapping.  
Committed with intent to violate PC 261, 286, 288, 288a, or 289.
- PC 209 Kidnapping for Ransom.  
Committed with intent to violate PC 261, 286, 288, 288a, or 289.
- PC 220 Assault to Commit Rape, Sodomy, or Oral Copulation.  
Except Assault to Commit Mayhem.
- PC 243.4 Sexual Battery.
- PC 261(a)(1) Rape: Victim incapable of giving consent.
- PC 261(a)(2) Rape by Force.
- PC 261(a)(3) Rape of Drugged Victim.
- PC 261(a)(4) Rape: Victim unconscious of the nature of the act.
- PC 261(a)(6) Rape by Threat of Retaliation.
- PC 262(a)(1) Rape Spouse by Force/Fear/Etc.  
Involving the use of force or violence for which the person is sentenced to the state prison.
- PC 264.1 Rape/Etc in concert with Force/Violence.
- PC 266 Entice Minor Female for Prostitution/Etc.
- PC 266c Induce Intercourse/Sex Acts by False Representation: Int: Fear.
- PC 266h(b) Pimping/where Prostitute is under 16 (convicted after 1/1/98).
- PC 266i(b) Pandering/ where Prostitute is under 16 (convicted after 1/1/98).
- PC 266j Procurement of Under 16 for Lewd and Lascivious Acts.
- PC 267 Abduct Minor for Prostitution.
- PC 269 Agg Sex Assault/Child under 14 or 10 Years Younger.
- PC 285 Incest.
- PC 286 Sodomy.
- PC 288 Crimes Against Children/Lewd or Lascivious.
- PC 288a Oral Copulation.
- PC 288.5 Continuous Sexual Abuse of Child.
- PC 289 Sexual Penetration with Foreign Object.
- PC 311.1 Bring Into State Matter Depicting Child in Sexual Conduct.

- PC 311.2(b) Possess/Distribute Obscene Matter Depict Minor: Commercial Consideration.
- PC 311.2(c) Distribute/Etc Obscene Matter Depicting person Under 18 (Misd).
- PC 311.2(d) Distribute/Etc Obscene Matter of Minor to Minor.
- PC 311.3 Developing/Duplicating/ Printing/Exchanging Obscene Matter Depicting Sexual Conduct of Person Under 18.
- PC 311.4 Use Minor to Assist in Distribution of Obscene Matter.
- PC 311.10 Advertise Obscene Matter/Depicting Minor.
- PC 311.11 Possess/Etc Obscene Matter of Minor in Sexual Act.
- PC 647.6 Annoy/Molest Children.

Formerly PC 647a.

- PC 653f(c) Soliciting Commission of 261, 286 or 288a by Force or Violence.
- PC 314.1 Indecent Exposure.
- PC 314.2 Assist Act of Indecent Exposure.
- PC 272 Contribute to the Delinquency of a minor.
- Offense must involve lewd or lascivious conduct.
- PC 288.2 Harmful Matter: Special Circumstance.
- Felony violation.
- Attempt of above listed offenses.
- MDSO conviction.
- Judicial Imposition.

#### **62010.4.3.2 Other Suffixes**

Institutions may apply:

- "S" suffix to identify inmates requiring single cell status.
- "X" suffix to identify inmates approved and assigned to designated disaster relief teams.
- "ORWD" suffix to identify inmates approved for off-reservation work detail/community betterment assignments.
- Miscellaneous suffixes for special internal designations outside the formal classification process for management purposes.

#### **62010.4.3.3 Special Public Interest Cases**

Inmates shall be identified as public interest cases when the crime, circumstances of the offense, or subsequent conduct results in unusual public concern as evidenced by extensive media coverage beyond the local community.

##### **Criteria**

Cases may include execution type murders, multiple murders or the mutilation of victims. Consideration should also be given to inmates who were originally sentenced to death or life without the possibility of parole.

##### **Identification**

Reception center counselors shall indicate in the institution staff recommendation summary (ISRS) of new process cases that the case meets criteria for public interest case designation. The reviewing counselor shall recommend this designation in the supervisor's recommendation section of the ISRS.

UCC/ICC's shall identify cases at the time of initial or at any subsequent classification actions when it is determined that cases warrant this designation. The CDC Form 128-G recording the committee action shall reflect the inmate's public interest case status.

All cases identified by reception center or institution staff shall be referred to a CSR for endorsement as a public interest case.

CSR's endorsing cases as public interest cases shall record this designation on the CDC Form 128-G. All subsequent classification actions shall reflect this status on the documenting CDC Form 128-G in the space directly below the inmate's custody designation.

##### **Recording**

Cases endorsed by a CSR as public interest case shall be referred to the CCRM by the reception center CC-III or the institution C&PR upon endorsement.

The CCRM shall ensure that the designation "Public Interest Case" is entered in red ink on the CDC Form 112, Chronological History and CDC Form 144, Control Card. This entry will reflect that notification of the Assistant Director, Communications is required.

**Notification**

The C&PR shall ensure that the CDC Form 611 reflects the inmate's public interest status at the time it is forwarded to the P&CSD. At this time, a copy of the CDC Form 611 and any appropriate supporting documentation, i.e., POR, shall be forwarded by the C&PR to the DPIO.

Following a review of case factors by the DPIO, information related to the release of an inmate designated a public interest case shall be forwarded by the DPIO to the Director and the California YACA, if appropriate. The DPIO may be contacted for information related to media interest in public interest cases.

**62010.5 Classification Scoring System**

The classification scoring system provides a standard evaluation for placement of inmates at the least restrictive institution, commensurate with their custodial requirements. Inmates are placed in institutions which are designated by custody levels IV (highest) to I (lowest), and they are encouraged with positive incentives to reduce their scores to permit transfer from higher custody facilities to those which have increased privileges, movement and programming. The classification scoring system determines each inmate's custody level in relation to others for optimum use of departmental facilities. An inmate's score may change based on individual behavior and specific case factors.

The Department may classify, transfer and house inmates apart from the classification scoring system when necessary to ensure staff, inmate and public safety. Exceptions shall be clearly documented on a CDC Form 128-G.

**62010.6 Institution Classification Levels**

Each camp, institution, facility or area of an institution complex is designated at a classification level based on its security and housing capability. Reception centers are exempted from level designations except for assigned work crews.

- Level I institutions and camps consist primarily of open dormitories with relatively low security perimeter.
- Level II institutions consist primarily of open dormitories with a secure perimeter and armed coverage.
- Level III institutions primarily have outside cell construction with a secure perimeter and armed external coverage.
- Level IV institutions have inside or outside cell construction with a secure perimeter, and both internal and perimeter armed coverage.

Institution Designations:

<b>Institution</b>	<b>Level</b>
<b>CCC</b>	
Lassen Unit	III
Sierra Unit	II
Cascade Unit	I
Outside Modules	I
Camps	I
<b>SCC</b>	
Tuolumne Unit	III
Mariposa Unit	II
Calaveras Unit	I
Camps	I
<b>CCI</b>	
Unit IV-A	IV
Unit IV-B	IV
Unit III-Reception Center (for work crew only)	III
Unit II	II
Unit I	I
Camp (Cummings Valley)	I
<b>CTF</b>	
Central	III
North	III
South	I
<b>DVI</b>	
Level	III
Minimum (Satellite)	I
<b>FSP</b>	
Minimum	I
Minimum Unit	I
<b>SAC</b>	
Facility A	IV
Facility B	IV
Facility C	IV

**CIM**

Main	I
Reception Center-Central (For Work Crew Only)	III
Reception Center-West (For Work Crew Only)	II
East	III

**CMC**

East	III
West I/II/IV	I/II
III Camp (Cuesta)	I

**CIW**

Levels	III/IV
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**NCWF**

Levels	II/III
--------	--------

**SQ**

Main	II
Modulars	II
Minimum	I

**CMF**

Main	II/III
Northern Reception Center (For Work Crew Only)	I
Minimum (Satellite Dorm)	I

**SOL**

Level III Complex	III
Facility I	III
Facility II	III
Level II Complex	II
Facility III	II
Facility IV	II

**CRC**

Level	II
Camp (Norco)	I

**ASP**

Facility 1	II
Facility 2	II
Facility 3	II
Facility 4	II
Facility 5	II
Facility 6	II

**RJD**

Facility 1	III
Facility 2	III
Facility 3	III
Facility 4	III
Minimum Unit	I

**MCSP**

Facility A	III
Facility B	III
Facility C	III
Minimum Unit	I

**CVSP**

Facility A	II
Facility B	II
Facility C	II
Facility D	II

**PBSP**

Facility A	IV
Facility B	IV
Facility C	IV
Facility D	IV
Minimum Unit	I

**COR**

Facility III A	III
Facility III B	III
Facility IV A	IV
Facility IV B	IV
Minimum Unit	I

**62010.6.1 Classification Score**

The inmate's classification score shall be used as a primary factor to determine the level of institutional placement. The establishment of the inmate's actual custody shall be the responsibility of the classification committee.

**62010.6.2 Classification Score Ranges**

Inmates within the following range of classification scores shall be placed in an institution that is designated at the level indicated.

Score	Level
0-18	I
19-27	II
28-51	III
52+	IV

### 62010.7 Administrative Determinants

Administrative necessity such as institutional security, public safety issues and availability of housing may occasionally require placement at a facility that does not correspond with the inmate's classification score. In these cases the alternative placement/program will provide the maximum benefits permitted under the circumstances.

#### 62010.7.1 Degrees of Custody

##### General

Classification committees at each institution shall assign a degree of custody to each inmate.

Wardens are responsible for determining degrees of custody most appropriate for use at their institution.

#### 62010.7.2 Implementation

Each inmate shall be assigned the degree of custody that provides for their housing, assignment/activity and supervision needs.

Institution requirements may necessitate additional local designations, but shall conform to the Department's requirements for each degree of custody used.

The senior custodial officer on duty may designate the initial custody for new arrivals and may temporarily increase an inmate's custody at any time it becomes necessary to protect the security and good order of the institution. Such actions shall be reviewed and custody assigned by a classification committee at the next regular meeting.

Any reduction of an inmate's custody shall be by classification committee action.

#### 62010.7.3 Custody Designations

The following are the degrees of custody approved for use in the Department.

##### Maximum A

Housing. Single cells (when possible) or other areas designated as security or approved specialized housing units.

Assignments/Activities. Confined to the security or approved specialized housing unit.

Supervision. Direct and constant.

##### Maximum B

Housing. Single cells (where possible) or other areas designated as security or approved specialized housing units.

Assignments/Activities. Confined to the security or approved specialized housing unit except for movement to and from external activities authorized for the unit.

Supervision. Direct and constant.

Every inmate confined in a SHU shall be assigned Maximum A or B custody. Inmates who are not housed in a specialized unit shall not be assigned maximum custody.

##### Close A

Housing. Celled housing in areas designated and maintained for higher security needs within the general population. This custody designation shall be used only at institutions with a secure perimeter.

Assignments/Activities. Permitted during daylight hours only and limited to designated close security areas at non-walled institutions and to the main security areas in walled institutions.

Supervision. Direct and constant.

##### Close B

Housing. Celled housing in secure areas designated for Close B custody.

Assignments/Activities. Within the security perimeter during daylight hours only, except for limited evening activities such as bathing and haircuts within the assigned housing unit.

Supervision. Constant and direct.

##### Medium A

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Within the security perimeter.

Supervision. Frequent and direct.

##### Medium B

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Within the security perimeter. Eligible for daytime assignments outside the security perimeter, but on prison grounds.

Supervision. Frequent and direct inside the security perimeter. Direct and constant outside the security perimeter.

##### Minimum A

Housing. Cells or dormitories within the security perimeter.

Assignments/Activities. Eligible for designated assignments inside or outside the security perimeter.

Supervision. Must be observed no less than hourly if assigned outside the security perimeter. Adequate supervision of the inmate's location to ensure their presence if assigned inside the security area.

##### Minimum B

Housing. Cells or dormitories on prison grounds and/or in a camp setting.

Assignments/Activities. Eligible for off-reservation work detail/community betterment and camp assignments.

Supervision. Adequate supervision of the inmate's location to ensure their presence. Shall be counted no less than four times each 24 hours.

### 62010.8 Institutional Classification Committees

All decisions affecting transfer, program participation, supervision, security, housing, and safety of persons, shall be made by a classification committee composed of staff knowledgeable in the classification process. A chairperson and any two members of any committee shall comprise a quorum except for reentry classification actions.

Decisions of classification committees shall be documented on a CDC Form 128-G and a copy given to the inmate.

#### 62010.8.1 Institution Classification Committee (ICC) Functions

ICC's shall:

- Review inter-institutional transfer recommendations in problem cases where departmental or public welfare is at stake.
- Review all cases referred by subcommittee.
- Refer cases to the Chief, Classification Services, or the DRB for resolution/action including recommendations to grant an inmate additional reduction of sentence pursuant to PC 2935.
- Review the altered status of each inmate placed in segregated housing at the time of initial placement and at regular intervals thereafter in accordance with the CCR 3335.
- Approve or deny disciplinary credit losses and inmate requests for credit restoration of Division A-1, A-2, and B offenses in accordance with CCR 3327. This action shall serve as the first level of appeal review.

#### 62010.8.2 ICC Authority

The ICC is delegated the primary authority for all classification actions within the institution.

##### Composition

ICC's shall consist of:

- Warden or Chief Deputy Warden (chairperson).
- AW (alternate chairperson).
- Psychiatrist or physician.
- Captain.
- CC-III or CC-II (committee recorder).
- Captain.
- Assignment lieutenant.
- Educational or vocational program representative.
- Other staff as required.

#### 62010.8.3 Initial Classification Committee

Each institution shall establish an initial classification committee to review and initiate a suitable program for each inmate within 14 days after arrival at the institution.

##### Composition

Initial classification committees shall consist of:

- Captain (chairperson).
- CC-III or captain (alternate chairperson).
- CC-II or CC-I (committee recorder).

- Assignment lieutenant.
- Educational or vocational program representative.
- Other staff as required.

#### Functions

Initial classification committees shall:

- Initiate an educational, vocational training, or work program and privilege group designation.
- Evaluate case factors and assist the inmate to understand institution expectations, available programs, and resources.
- Designate the degree of custody necessary to control the inmate.
- Refer complex cases to the ICC.
- Recommend transfer of a new arrival determined to be inappropriately placed.
- Grant worktime credits to which the inmate is entitled while in transit.

#### 62010.8.4 Unit Classification Committee (UCC)

Each program unit shall establish a UCC to provide routine classification of inmates. Those institutions without organized program units shall establish equivalent committees.

#### Composition

UCC's shall consist of:

- Captain (chairperson).
- CC-III or captain (alternative chairperson).
- CC-II or I (committee recorder).
- Program lieutenant.
- Educational/vocational representative.
- Other staff as required.

#### Functions

UCC's shall:

- Review each inmate's case at least annually to consider the accuracy of the inmate's classification score, custody designation, program and institution placement which includes recommendation for transfer.
- Conduct post board classification on an inmate within 15 days of receipt of official notice of a BPT decision regarding the inmate.
- Act on disciplinary credit losses on cases for Divisions C, D, E, and F which will serve as the first level of appeal review.
- Approve or deny an inmate's request for restoration of forfeited credits for Divisions C, D, E, and F offenses in compliance with CCR 3327.
- Change an inmate's privilege group.

#### 62010.8.5 Camp Classification Committee

Each conservation camp shall establish a camp classification committee to provide routine classification for inmates assigned to the camp program.

#### Composition

Due to the isolation of most conservation camps, the presence of a captain, to act as chairperson is not required. A chairperson and two members shall comprise a quorum for camp classification hearings.

- Lieutenant (chairperson).
- CC-I (chairperson or alternate chairperson).
- Sergeant.
- Staff representative of camp contracting agency.

#### Functions

Camp classification shall:

- Perform routine classification of inmates assigned to the camp programs including all functions designated for UCCs.

#### 62010.8.13 Reentry Classification Committee

Each reentry/work furlough facility shall establish a reentry classification committee to provide for routine classification for inmates assigned to a reentry work furlough program.

#### Composition

- PA (chairperson).
- PA-III (unit supervisor/center manager reentry coordinator) (alternate chairperson).
- PA-II (reentry specialist).

#### Functions

Two members constitute a quorum. Due to distance considerations, the committee will not usually sit en banc. The reentry specialist will complete

necessary CDC Form 128-G and forward to committee members for appropriate signatures/approval.

- Document inmate misconduct and affirm, modify, or reject any action taken.
- Review disciplinary actions where worktime credits were lost/denied and to act as inmate's first level of appeal review.
- Restore lost credits, where appropriate, for disciplinary violations.

#### 62010.9 Classification Committee Responsibility Due Process

Each classification committee shall:

- Inform the inmate of the purpose of the hearing and introduce committee members.
- Encourage the inmate to participate in the hearing discussion.
- Make decisions based on evaluation of available information and mutual agreement of the committee members.
- Inform the inmate of the decision.

#### 62010.9.1 CDC Form 128-G, Classification Committee Documentation Requirements

Each classification committee shall:

- Prepare a recording of the hearing on a CDC Form 128-G.
- Issue a copy of the CDC Form 128-G to the inmate.

The documentation of each classification shall include:

- The action taken.
- The date of the action.
- The specific reason(s) for the action(s) including the information upon which the decision was based.
- The names of staff who participated in the decision.
- The name of the chairperson of the committee taking the action.
- The name and signature of the person recording the action.

#### 62010.10 Departmental Review Board

The DRB serves as the final reviewing authority for classification issues when placement decisions are appealed to headquarters or when policy clarification is needed.

#### 62010.10.1 Purpose

This Section establishes standard procedures for the resolving of all staff classification action appeals at the headquarters level by the DRB.

#### 62010.10.2 Composition

The DRB shall consist of the:

- Deputy Director or an Assistant Deputy Director, Institutions (chairperson).
- Deputy Director, P&CSD.
- Chief, Classification Services. (Shall abstain on classification actions appealed by Wardens/Regional Administrators.)
- Chief, Medical Services when required.

#### 62010.10.3 Quorum

The DRB meets at the call of the chairperson. Two voting members constitute a quorum. 870

#### 62010.10.4 Referral Criteria

Cases shall be referred for DRB decision when:

- The Warden/RPA appeals an action of the Chief, Classification Services.
- A test case is needed to clarify the application of policy.
- Differences between BPT program placement order and departmental policies or procedures cannot be resolved.
- An out-of-state or federal prison placement is recommended.
- Meritorious credit is recommended to reduce an inmate's period of confinement pursuant to PC 2935.
- Current placement is by prior DRB action and continuing DRB responsibility for the case has not been waived.
- A headquarters level decision for placement is required because of an unusual threat to safety or public interest, i.e., commuted death row cases.

#### 62010.10.5 Process

Cases for DRB review shall be submitted by the Warden or Regional Administrator to the Chief, Classification Services.

Because the inmate's C-file is not available to the DRB, referrals shall contain all pertinent information.

When the referral is an appeal of a CSR action, the Chief, Classification Services shall attempt to resolve the issues before presenting it to the DRB.

The Chief, Classification Services, shall evaluate, add relevant factors to be considered and provide a recommendation for cases presented to the DRB. This shall be provided on a CDC Form 128-G, which shall also provide for documentation of the DRB action.

#### **62010.10.6 Implementation**

DRB actions shall be implemented within 30 days.

#### **62010.11 Revisions**

*Revised November 1, 2004*

The Director, DAI, or designee shall ensure that the content of this Article is current and accurate.

#### **62010.12 References**

PC §§ 5068, 1170(d), 2935, 5054, and 5058.

CCR.

### **ARTICLE 6 — RECALL OF COMMITMENT**

*Effective October 27, 1989*

#### **62020.1 Policy**

Inmates received by the Department may, under certain circumstances, be recalled by the sentencing court. A recall may also be initiated by the Director or the BPT.

#### **62020.2 Purpose**

This section establishes standard procedures for the processing and evaluation of those inmate cases whose sentences and commitments may be reconsidered by the court under the provisions of PC 1170(d).

#### **62020.3 Authority**

PC 1170(d) permits the sentencing court to recall a previously ordered sentence and commitment within 120 days of the date of sentencing and re-sentence the inmate. The court may consider a recall of sentence and commitment upon the recommendation of the Director or the BPT at any time during an inmate's incarceration.

The sentencing court has absolute discretion in recalling a sentence and commitment within 120 days of sentencing. The court is not required to request or accept the Department's diagnostic study and/or recommendation, however, departmental staff shall provide the sentencing judge a study and recommendation when requested.

#### **62020.4 Recommendation of Alternate Placement**

Departmental staff shall recommend to the Director and request that recall consideration be considered for those inmates who, in the interest of justice, could be properly managed outside the Department and where alternate placement had not been explored by the sentencing court. Examples include but are not limited to:

- Naive, youthful offenders who could be sentenced to the CYA.
- Narcotic addicts who meet the criteria for commitment to the civil addict program.
- Inmates whose sentence would be better served in another jurisdiction.

Departmental staff's recommendations shall focus on the proper placement rather than the severity or length of sentence.

When an institutional recommendation for recall is determined to be inappropriate after review at the Director's level, the Deputy Director, Institutions Division shall notify the Warden of the referring institution of this decision.

#### **62020.5 BPT Disparate Review**

The BPT, under PC 1170(f), shall review all cases for sentence disparity and recommend recall, if appropriate, within the first 12 months of commitment. As a matter of policy, the BPT will assume responsibility under PC 1170(d), for recommending recall of sentences that subsequently become disparate due to non-retroactive legislative changes that reduce or eliminate the criminal penalty for an offense.

#### **62020.6 Director's Recall of Commitment**

The Director may recommend to the court a recall of sentence prior to the BPT's disparate sentence review when:

- The inmate is found to be suffering from a critical medical condition which is not likely to improve.

- The inmate has so changed as a person through their own efforts since being sentenced, that they would be a positive asset to the community.
- Based on changes in the inmate's situation or significant new information that was not considered by the court in pronouncing sentence.
- The commitment is definitely not typical of similarly situated offenders and presents an undue hardship on the inmate.

After the BPT's disparate sentence review, the Director may recommend a recall to the court if conditions have changed to the extent that the inmate's continued incarceration is not in the interest of justice. Diagnostic studies and/or recommendations shall take into consideration the results of the BPT's disparate sentence review.

#### **62020.7 Recall Request by Private Citizen**

*Revised September 25, 2007*

Requests for PC 1170(d) studies or consideration for recall by private citizens, defense attorneys or family members including registered domestic partners shall not be initiated by departmental staff.

All such requests shall be responded to promptly with a letter stating the Director's policy and directing the requesting party to the sentencing court.

#### **62020.8 Court Ordered Diagnostic Study**

The court may recall a sentence within the first 120 days of commitment with or without obtaining a diagnostic study and recommendation from the Department. When an evaluation is requested, it shall assess the inmate's potential for completing probation or other alternate sentencing, and the threat posed to the community if the inmate fails to realize that potential.

When the court orders a post sentence diagnostic study [PC 1170(d)], and a pre-sentence diagnostic study (PC 1203.03) has previously been prepared, a reevaluation of the prior study's recommendation is required.

Staff assigned to prepare the PC 1170(d) report shall reevaluate all available information and recommend accordingly, rather than repeat or paraphrase the pre-sentence diagnostic study. The PC 1170(d) report shall indicate that a pre-sentence diagnostic report was prepared.

A current psychological evaluation shall be prepared if indicated. If any recommendations are in conflict, the method for resolving the conflict shall be addressed.

When the court requests a post-sentence diagnostic study within 120 days of sentencing, the Warden or reception center administrator shall communicate directly with the court.

Requests received by the institution after 120 days of sentencing shall be forwarded to the Chief, Classification Services and processed through headquarters as a Director initiated recall. The court cannot recall a sentence after 120 days of sentencing without the recommendation of the Director or the BPT.

#### **Late Return of Report**

When a post-sentence diagnostic study is requested by the court to be prepared within the 120-day time limit and is late due to departmental error, the institution shall notify the court directly. A letter signed by the Warden attached to the recommendations shall indicate the reasons for the delay and because of the delay, the court may take whatever action it deems appropriate.

#### **62020.9 Director's Recall (Reports)**

When an inmate meets the Director's criteria for recall to court, staff shall prepare a diagnostic study and recommendation. This report and a current psychological evaluation (if indicated) shall be reviewed by the AW and Warden. If any recommendations are in conflict, the method by which the conflict was resolved shall be described in the transmittal letter.

The completed report and institutional approval shall be attached to a transmittal letter and forwarded to the Chief of Classification Services.

Inmates shall not be transferred —except in emergencies— until the PC 1170(d) report has been completed.

#### **62020.10 Recall Report Format**

Identifying Information: This section shall begin with the following two paragraphs:

"This is a diagnostic study and recommendation under the provisions of PC 1170(d) in the case of (Inmate's name), (County's Court Number), (CDC Number)".

"This study evaluates the defendant's potential for success under sentence alternatives to state prison and the threat posed to the community should the defendant not fulfill that potential. The clinical case study method does not lend itself to an adequate consideration of other issues involved in uniform sentencing".

The third paragraph of this section shall indicate the age of the inmate, date they were received by the Department, name of the committing court, county of commitment and on what charge the inmate was convicted.

**Offense:** This section shall include a short summary of the inmate's instant offense and criminal history.

**Institutional Adjustment:** Include job or assignment performance, behavior, relationships with staff and peers.

#### **Recommendations**

**Recommendations:** This section shall address only the specific finding of department staff:

- Evaluation indicates that this case should be considered for disposition as authorized by PC 1170(d).

— or —

- Evaluation indicates that this case should not be considered for disposition as authorized by PC 1170(d).

All recommendations for probation shall contain the qualifying statement; "to the extent probation is allowed by law".

When appropriate, conditions of probation suggested by the case evaluation may be listed in numerical order. This must be realistic in relation to the services available in the county concerned.

**Reasons for Recommendations:** List in order of priority the factors contributing to the particular recommendation. These may include the lack of criminal record or extensive criminal record, situational nature of offense, clinical manifestation of assaultive or hostile behavior, family or other resources awaiting the inmate in the community.

It shall also include the findings of the disparate sentence review, if completed, and, if a Director initiated recall, shall focus on the new information that justifies recall.

**Release Plans:** This section shall include the inmate's living arrangements, means of support and care as appropriate.

The study shall be dated and signed by the reception center's AW if it is completed during the inmate's reception processing. If the study is completed at an institution other than a reception center, the Warden or delegated AW shall sign the report. The Warden shall sign all Director initiated recall recommendations, including those that are a result of a request by the court after the 120-day period.

#### **62020.11 Transmittal Letter**

The Chief, Classification Services, shall review and evaluate all transmitted material, and shall prepare the Director's transmittal letter to the sentencing court. The Chief, Classification Services, shall notify the BPT of all cases where the Director recommends a recall of commitment.

#### **62020.12 Court Ordered Recall/Multiple County Commitments**

When a court requests a PC 1170(d) on an inmate also committed by another court, copies of the study shall be sent to all committing courts. The transmittal letter to the court ordering the recall shall clearly indicate in the first paragraph the additional commitments, identified by case number. It shall also indicate that copies are being sent to the other committing court(s). Similarly, the transmittal letter to the other committing court(s) shall explain that a PC 1170(d) report was completed regarding a commitment by a different court.

#### **62020.13 Inmate Notification of Recommendation**

Staff who prepare the study shall inform the inmate of their recommendations. When correspondence and reports do not contain confidential information, copies shall be given to the inmate. If such reports do contain confidential information, staff shall share the general content of such reports with the inmate, omitting only the confidential information. Confidential correspondence and reports shall be so labeled, placed in the confidential folder and cross referenced to a CDC Form 128-B, General Chrono; explaining the need for confidentiality.

#### **62020.14 C-File/OBIS Recording**

To provide information for subsequent evaluation of this program, PC 1170(d) transactions shall be recorded in OBIS Daily Report of Arrivals and Departures and on the CDC Form 112, Summary of Sentence Data, as follows:

- Requests for PC 1170(d) studies from a judge or the Director. Date 1170(d) PC report requested by \_\_\_\_\_ County (or) by the Director.

Transmittal of PC 1170(d) studies to the court for the Director: "Date, PC 1170(d) studies submitted to \_\_\_\_\_ County (or) to the Director recommending no change in commitment (or) recall of commitment recommended (and/or) other recommended action".

#### **62020.15 C-File Report Placement**

Copies of all additional material transmitted to the court shall be inserted in the case summary section of the C-File. Copies of all material sent to the Director on staff-initiated cases shall also be inserted in the same location.

#### **62020.16 Mailing of Material**

The above material shall be expedited to the court by first class mail.

#### **62020.17 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current and accurate.

#### **62020.18 References**

PC §§ 1170(d), 1170(f) and 1203.03.

### **ARTICLE 7 — TRANSFERS — DMH**

*Effective October 30, 1989*

#### **62030.1 Policy**

Mentally ill inmates received by the Department may be transferred to a California DMH facility for stabilizing psychiatric treatment.

#### **62030.2 Purpose**

This section establishes procedures for the transfer and return of mentally ill inmates and parolees between the Department and DMH. It provides for the due process and orderly acceptance and processing in a controlled and expedient manner of those mentally ill inmates who can receive optimum benefit from treatment in a DMH facility.

#### **62030.3 Transfers To DMH**

##### **Authorization**

PC 2684, 2690 and 2974 provide for transferring mentally ill inmates and parolees to DMH facilities. PC 2685 provides for returning those inmates to the Department who are no longer benefiting from a DMH placement. Parolees placed in DMH facilities for psychiatric treatment shall be released to parole after they have stabilized.

#### **62030.4 PC 2684 Referrals**

##### **Criteria**

The inmate/parolee shall have 90 days or more to serve from the date of actual admission to a state hospital. Exceptions to the above may be arranged on a case-by-case basis.

Referrals shall be accepted for inmates in the following diagnostic categories only:

- A diagnosed severe psychosis or severe effective disorder, acute or chronic, requiring intensive treatment in a psychiatric hospital.
- A long-standing psychosis or effective disorder, with a history of repeated psychiatric hospitalizations prior to their current commitment to the Department, requiring long-term sub-acute treatment in a psychiatric hospital in order to facilitate their rehabilitation and eventual placement in a community treatment program.
- Requires specialized diagnosis and treatment which is available in a DMH facility but is not available in the Department.
- Request for intensive psychological/diagnostic evaluation.

Exceptions to the above criteria shall be evaluated on a case-by-case basis if there is a compelling reason for referral.

#### **62030.4.1 Procedure**

A referral packet shall be prepared and sent directly to the state hospital where placement is intended. For male inmates, the packet is sent to Atascadero State Hospital (ASH); females to Metropolitan State Hospital (MSH); and parolees to the state hospital designated by DMH.

Following acceptance by the state hospital, the inmate's C-File and the original documents from the referral packet shall be presented to a CSR for transfer endorsement with the original documents listed below included.

#### **62030.4.2 Referral Packet**

The referral packet shall consist of the following documents:

##### **Vitek Hearing**

- A signed waiver of a due process (Vitek) hearing for voluntary cases or certification of a due process hearing for involuntary cases. Inmates who are considered for DMH transfer shall be advised of their rights to a hearing regarding the transfer. If the inmate does not waive their right to the hearing the following requirements shall be met:
  - The inmate shall be provided written notice of a hearing to determine their involuntary placement in a mental hospital at least 72 hours before the hearing is held.

- The hearing officer shall be the Warden or designee (AW, physician, or a member of the psychiatric staff).
- A staff assistant, usually the inmate's counselor, shall be appointed by the hearing officer to assist the inmate in collecting, presenting and confronting evidence at the hearing. Attorney representation of the inmate shall not be permitted.
- The findings and decision of the hearing shall include references to the evidence relied upon and the reason for the decision.

A copy of the decision shall be given to the inmate within 72 hours after the hearing and a copy shall be placed in the inmate's C-file. A copy of the decision with the following documents shall be sent to the state hospital:

- A psychiatric evaluation completed within the last three months to include whether the crime involved force and/or violence and/or great bodily injury; and whether the mental disorder was a cause or aggravating factor in the crime.
- A completed Mental Health (MH) Form 2546, Transfer Information Form, indicating the type of service requested, such as psychiatric evaluation and treatment or conservatorship investigation, parole or discharge planning or other services.
- An institutional and/or adjustment history, including misconduct reports and security concerns.
- An Abstract of Judgment and, if available, POR.
- Supporting documents such as holds and detainers.
- Classification committee's recommendation (CDC Form 128-G, Classification Chrono) for transfer to DMH.

#### **62030.5 PC 2690 Packet**

Utilization of PC 2690 is for emergency psychiatric transfers from the Department to DMH. The criteria for PC 2690 and 2684 are the same.

##### **62030.5.1 PC 2690 Procedure**

The Department's Chief, Medical Services, shall contact DMH and arrange for the PC 2690 transfer. Upon acceptance by DMH, a CDC Form 7252, Request For Authorization of Temporary Removal For Medical Treatment shall be completed and processed. The inmate shall then be transferred, and a PC 2690 referral shall be initiated, utilizing the procedure outlined in this chapter. An inmate can be placed in DMH for a period not to exceed three days under PC 2690, and for this reason PC 2684 procedure shall be expedited.

#### **62030.6 PC 2684 Procedure**

Referrals for emergency psychiatric hospitalization may be expedited using PC 2684 referral packet.

- In place of a Vitek hearing, the inmate/parolee is entitled to a certification review hearing or writ of habeas corpus in DMH facilities.
- The psychiatric report/evaluation must be no more than 30 days old.

For some parolees, PC 2684 and/or 2690 process shall be followed. Once the Vitek Hearing is held, or the waiver is signed, the case will be screened by DMH state hospital within seven working days. If accepted by a DMH state hospital, the individual shall be transferred directly to that DMH state hospital under order of the BPT from the county jail. Formal parole revocation by the BPT shall be done at the DMH facility.

#### **62030.7 Hub Institutions**

The following are designated as the hub institutions for inmates housed in the DMH facilities:

- CMF for inmates placed in Northern California DMH facilities.
- The CMC for inmates placed in Southern California DMH facilities.
- The CIW for female inmates placed in state hospitals.

The records for each inmate housed by DMH shall be maintained by the respective hub institution. The institution shall also be responsible for all contacts with the designated DMH facility to secure reports, schedule BPT hearings, and to process an inmate's parole or discharge.

#### **62030.8 Transportation**

Transportation of inmates to and from state hospitals is the responsibility of the Department. Specific arrangements shall be made by the Warden of the hub institution and the administrator of the state hospital.

#### **62030.9 Inter-Hospital Transfers**

DMH may transfer inmates between the state hospitals when it is deemed necessary. However, the administrator of the transferring hospital shall notify the Warden of the hub institution prior to any such transfer.

#### **62030.10 Escapes**

If an inmate escapes from a state hospital, the hospital director or designee shall immediately notify the Department headquarters Identification Unit of the escape. The Identification Unit shall notify appropriate institution staff who shall institute escape procedures. DMH staff may also contact institution staff directly.

Within ten working days following the escape, the Warden of the hub facility shall advise the hospital's administrator whether the inmate should be discharged from the hospital or continued on the hospital's roster.

#### **62030.11 Ground Privileges and Limitations**

Inmates at State hospitals are "in custody" and shall not leave the hospital grounds without the authorization of The Director. Any temporary community release request shall be processed in accordance with DOM 62070. At the discretion of the hospital's administrator, an inmate may be granted privileges and participate in all aspects of the treatment program within the hospital confines.

#### **62030.12 Rules and Regulations**

Inmates housed at State hospitals are subject to the CCR the same as inmates housed in correctional facilities, in addition to the receiving hospital's rules.

#### **62030.13 Returning Inmates to the Department Per PC 2685**

When it is the opinion of the hospital's administrator that an inmate has been treated to the extent that the inmate will not benefit by further care and treatment in the State hospital, the administrator shall:

- Initiate a request to the hub facility for return of the prisoner to the Department.
- The inmates shall be transported within seven working days by hub facility staff. If the inmate becomes a significant security risk or management case, the inmate shall be transported immediately by hub facility staff.

#### **62030.14 Appeal**

The Department may appeal any case that it feels was inappropriately rejected or returned by the State hospital staff. The appeal shall be referred to the Deputy Director, HCSD, who shall resolve it with the Division of State Hospitals Programs.

#### **62030.15 Sex Offender Project PC 1364**

*Revised August 30, 1993*

PC 1364 provides for a voluntary experimental sex offender treatment program wherein a selected number of male inmates may participate under the jurisdiction of DMH at ASH. PC 1364 also provides that if, after placement in the program, the inmate refuses to cooperate, is found unamenable to treatment, or requests return to the Department, he shall be returned to the Department. This program will terminate on June 30, 1995.

Criteria and selection for PC 1364 Sex Offender Program is determined through OBIS by a DMH screening team. If selected for review, an inmate shall be interviewed by the DMH screening team after a complete review of the inmate's C-File. The DMH review staff shall submit an approval letter, requesting transfer to DMH to the C&PR. The inmate is then referred to the Institution Classification Committee (ICC) for a transfer recommendation to CMC-E, which is the hub facility for PC 1364 Sex Offender Program. If recommended by ICC, the case is then submitted to the CSR for transfer approval to CMC-E. Transfer to DMH from CMC-E will be effected upon bed space availability.

#### **62030.16 PC 2970**

PC 2970 provides for the continued involuntary treatment of inmates/parolees prior to termination of parole or release if the inmate's/parolee's severe mental disorder is not in remission or cannot be kept in remission without treatment and if the inmate/parolee refused to agree to treatment as a condition of parole.

#### **62030.17 Patient Transfers From DMH-Criteria**

- The W&I 7301 provides for the transfer of persons committed to a State hospital who require custodial security which can best be provided by the Department. Cases that may be considered are those committed to DMH under:
- PC 1026, where the defendant was found to have been insane at the time an offense was committed.
- PC 1368, where the question of sanity arises prior to judgment.

#### **62030.17.1 Reception**

The transfer request shall be initiated by DMH and sent to the Department's, CSU.

The case shall be forwarded to the Deputy Director, HCSD, or designee who shall determine whether or not to accept the case for treatment. If accepted,

the Deputy Director, HCSD, or designee shall return the case to the Classification Services Section with a recommendation for placement.

If rejected, the case shall be returned to DMH with reasons for rejection noted.

Patients received under PC 1026, 1368, and 3700 shall be designated "health" patients. Material to be submitted by DMH to the Director for transfer consideration shall consist of the commitment information and reasons for transfer and shall also include the following information:

- Offense pattern.
- Major psychiatric diagnosis.
- Social and case histories.
- Treatment modalities.
- Response to treatment in DMH facilities.
- Reason for referral.
- Inmate's attitude toward referral, including results of the due process hearing (Vitek) or a signed waiver of the hearing.
- Current medication at the time the summary was dictated.
- Relevant medical problems.
- Relevant security or institutional problems.

Whenever a person is transferred to a Department institution pursuant to these sections; any report, opinion or certificate required/authorized to be filed with the court which committed such person to a state hospital or ordered such person placed therein, shall be prepared and filed with the court by the administrator of the institution in which the person is actually confined or by the designee of such administrator.

#### **62030.17.2 Admission Summary**

Institution staff shall prepare a case summary for each person from DMH. When processing is complete, the case shall be presented to a CSR for transfer consideration. When the case summary is completed, the receiving institution shall forward a copy to DMH.

Six months from the date of the patient's arrival at the receiving institution and each year thereafter, the Warden shall forward to DMH a case summary update, which shall contain the following information:

- The patient's present institutional program.
- A current psychiatric diagnosis and recommendation(s).
- The Warden's recommendation for future programming.

CMF and CMC are designated to receive male mental health patients. CIW is designated to receive female mental health patients. Under normal conditions, patients shall be received directly at the main institution and need not be processed through a reception center unless otherwise determined by the Warden. Such patients may be transferred to other institutions as appropriate.

#### **62030.18 Inter-Institution Transfer DMH Patients**

If a classification committee recommends the transfer of a DMH patient between the Departments institutions, the recommendation shall be prepared on a CDC Form 128-G and referred to a CSR for transfer consideration. If transfer is approved, the C&PR of the sending institution shall, by memorandum, notify DMH of the transfer and the reason therefor.

#### **62030.19 Jurisdiction of Patients**

During the time DMH patients are confined at the Departments institutions, they shall retain their status as patients of DMH.

Such patients are not subject to the provisions of PC 4500, 4501, 4501.5, 4502 or 4530. They are, however, subject to the rules and regulations of the Director. In the event of an escape, attempted escape, fight or riot, employees shall deal with such persons the same as an inmate committed to the Department.

#### **62030.20 PC 2974 Criteria/Referrals**

PC 2974 provides for the treatment of inmates or parole violators nearing release who are a danger to self or others or are gravely disabled as a result of a mental disorder.

##### **Placement Process**

The placement packet shall be prepared by the C&PR (or designee) at CMC, CMF, CIM, or CIW for inmates or parole violators or by the chief psychiatrist (or designee) of the POC for parolees.

Placement of male inmates or parole violators shall be made in ASH, female inmates or parole violators in MSH, and parolees to the facilities designated by DMH.

#### **Placement Package**

The placement packet should be sent to the DMH facility at least seven days prior to expiration of prison term for inmates so that it can be reviewed and the admission approved. The placement packet for parolees must be received and approved prior to admission unless information and approval is given over the telephone with the packet then sent with the parolee.

The placement package shall include at least the following:

- A medical/psychiatric record with the psychiatric evaluation done within the last (30) days and a progress note, if appropriate.
- Substantiation of how the patient meets the Lanterman-Petris-Short (LPS) Act, criteria must be included, with specific behaviors of the patient documented.
- An indication of the type of services requested; i.e., psychiatric evaluation and treatment, conservatorship investigation, preparole or discharge planning, or other services agreed upon by DMH and the Department.
- An institution or parole adjustment history, including a description of any serious misconduct and/or security concerns.
- Relevant parole documents describing conditions of parole and parole discharge date, and the POR, if available.

The DMH state hospital will receive, evaluate and treat the placed patient according to the LPS Act. PC 2974 patients will be eligible for the same privileges as LPS patients, including passes for placement interviews, ground privileges, etc., at the discretion of DMH staff, on a case-by-case basis.

#### **Certification Recommendation**

If certification is recommended, the DMH hospital shall notify the P&CSD designated hearing officer of the need for a certification review hearing under W&I 5250. The hearing shall be held at the DMH hospital within seven days of admission to the hospital. In the event parole has expired, the Departments' P&CSD has no statutory authority.

If certification is not recommended, or if it is determined at a certification review hearing or a judicial hearing that there is not probable cause to further involuntarily detain the patient, or at a subsequent time it is determined that the patient no longer requires hospitalization, the DMH hospital shall notify the designated parole office which shall arrange for the immediate removal of the inmate or parolee from the hospital. In the event parole has expired, the Departments' P&CSD has no statutory authority.

#### **Continued Hospitalization (PC 2974)**

If a patient is hospitalized until expiration of the patient's prison term under PC 2684, and if continued hospitalization under PC 2974 is recommended by DMH staff, the Department agrees to delegate placement authority under PC 2974 to DMH. This includes authority, as long as the patient remains on parole status, to include the patient days utilized by this patient in the state hospital services funded by the Department. DMH will notify the Department that a decision has been made to seek appropriate LPS legal status to continue to hospitalize the patient under PC 2974.

#### **62030.21 Parole of Mentally Ill Inmates**

When an inmate about to be paroled is diagnosed by a psychiatrist/psychologist as mentally disturbed and cannot be transferred to DMH pursuant to PC 2684, 2690, or 2974, the C&PR shall:

- Immediately contact the RPA and advise them of the specific facts, including the inmate's name, number, psychiatric status, release date, county of commitment and all other pertinent facts.
- Coordinate the inmate's release to permit the Parole Agent to take custody of the inmate at the institution.
- Document all pertinent facts on a CDC Form 128-B, Informative Chrono, and give a copy to the Parole Agent when the Parole Agent takes custody of the inmate. Provide a copy of the most recent clinical evaluation and a list of all prescribed medications to the Parole Agent.

The RPA shall coordinate the P&CSD's role in taking the inmate into custody at the institution as well as determining the most appropriate follow-up, which may include:

- Placing the inmate in a county mental health facility.
- Placing the inmate in custody at the nearest city or county jail pending revocation proceedings for psychiatric evaluation.
- Referring the inmate to the POC.

#### **62030.22 Discharge of Mentally Ill Inmates**

Before discharging any inmate who, because of mental illness, is deemed a danger to themselves or others, the Warden shall act to place the inmate in a facility designated by a county (and approved by DMH for 72-hour treatment



and evaluation) or in a 14-day intensive treatment facility pursuant to the provisions of PC 2974.

The Warden of the releasing institution shall:

- Document the psychiatric justification for the decision that the inmate is dangerous to themselves or others or gravely disabled and should not be released to the community. Provide written notice to local law enforcement agency of these conditions.

The law enforcement agency will usually transport the inmate to the county facility and effect the commitment pursuant to the W&I 5150 or PC 2974.

The Deputy Director, Institutions, shall be notified prior to the inmate's release if local authorities are not responsive.

#### **62030.23 Inflammatory/Threatening Inmate Remarks - Pending Parole**

When an inmate makes written or verbal statements of a threatening nature and the inmate is not considered mentally disturbed following an evaluation by clinical staff (psychiatrist/psychologist), the following procedures shall be initiated:

- Institution staff shall document all inflammatory/threatening comments on CDC Form 128-B if, in their opinion, there appears to be any substance to the inmate's threats.
- A copy of all documentation pertaining to the remarks shall be forwarded to the C&PR who will evaluate the material and determine if further clinical assessment will be necessary prior to the inmate's release date. If a clinical evaluation is requested prior to parole, the results shall be documented on CDC Form 128-C, Medical Chrono.
- The clinical assessment shall be returned to the C&PR who shall notify the RPA and forward copies of all applicable documents to the RPA for appropriate action.

#### **62030.24 Inflammatory/Threatening Inmate Remarks - Pending Discharge**

The same procedures as indicated above are applicable to inmates pending discharge, except the RPA is not notified. In the case of a discharge, the C&PR shall send written notification to the respective law enforcement agency, advising it of the situation and the Department's concern.

#### **62030.25 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.

#### **62030.26 References**

PC §§: 1026, 1364, 1368, 2670, 2684, 2685, 2960-81 (except 2962 and 2974), 3060.5, 3700 4500 4501, 4501.5, 4502, 4580.

W&I §§ 5150 and 7301.

### **ARTICLE 8 — INTERSTATE, FEDERAL, AND INTERNATIONAL PLACEMENTS\***

*Effective October 25, 1989*

#### **Not Cleared For Statewide Use**

#### **62040.1 Policy**

The Western Interstate Corrections Compact (WICC), PC 11190, and the Interstate Corrections Compact PC 11189, enable states to establish mutual contracts for the exchange of prisoners.

California has current contracts with Alaska, Arizona, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming and the Federal Bureau of Prisons.

#### **62040.2 Purpose**

The WICC and Interstate Corrections Compact expand the inmate placement resources of participating states to more appropriately meet the special or unusual needs of individual inmates than could be met within a state's own system.

The sending state shall retain legal jurisdiction of the inmate and may at any time require the return of the inmate to its custody.

The receiving state shall provide for the custody, care and treatment of the inmate in the same manner as for its own inmates.

No special privileges, restrictions, legal exceptions or immunities are authorized.

The compacts deal with a number of these and other jurisdictional matters in more detail.

The Interstate Compact Unit, P&CSD, administers and implements prisoner exchanges with other states and the Federal Bureau of Prisons.

#### **62040.3 Criteria**

Compact resources shall not be used when the inmate's needs can be met within departmental facilities just as well as in out-of-state facilities.

Inmates whose special or unusual needs can be better met in the facilities of another state may include, but are not limited to, the following:

- Protective custody. When an out-of-state placement will resolve the specific cause or reason for the inmate's protective custody within the Department; i.e., protection of an inmate witness or informant.
- When an inmate's permanent residence, resources and plan for release are outside California, placement in another state may be considered.
- Departmental policy precludes out-of-state placement criteria for inmates who are likely to present management problems. Examples of such cases may include homosexual behavior, chronic gambling, exploitation of other inmates and gang involvement.

#### **62040.4 Written Consent**

No California inmate shall be transferred to an out-of-state institution unless they have executed, in the presence of the Warden or designee, written consent to the transfer.

The transporting officer shall verify that the written consent form is properly documented prior to taking custody of the inmate.

#### **62040.5 Referrals**

The referral for out-of-state placement shall be prepared by institution staff per Departmental Review Board (DRB) format and submitted to the DRB.

Upon DRB approval, the institution shall submit the following items to the Interstate Compact Unit:

- Abstract of Judgment.
- Two current ID photographs.
- Case summary.
- Copy of DRB action [CDC Form 128-G].
- Written consent form signed by inmate.

Upon receipt of a special circumstance referral by a court, DA or law enforcement agency, the Chief, Classification Services, or the Interstate Unit, with consent of the institution involved, shall prepare and submit an out-of-state transfer recommendation to the DRB.

The DRB's action shall constitute the authority for the Interstate Unit to negotiate with out-of-state officials for the inmate's placement and, if accepted, shall arrange for transfer of the inmate.

#### **62040.6 Confidentiality**

When an inmate is placed out-of-state for protective needs, or custodial needs, all aspects of the inmate's transfer and location shall be confidential, with information limited to those employees who need-to-know in order to complete the transfer process and to protect the inmate in transit.

References to the proposed out-of-state transfer shall not appear in the sending institution's records other than the inmate's C-File.

#### **62040.7 Mail and Property**

All mail and property of those inmates transferred to out-of-state institutions shall be forwarded to the Interstate Unit by the institution's staff.

#### **62040.8 Records and Tracking**

The Chief Transportation Officer shall notify the Interstate Unit of the date the inmate is removed from the Department's institution for a transfer out-of-state.

The sending institution shall prepare and package the following material for delivery to the receiving state's institution by the transportation officer:

- An up-to-date case summary.
- A copy of the inmate's Abstract of Judgment.
- A copy of the inmate's fingerprint card.
- A minimum of one front and side view photo of the inmate.

The sending institution shall record the movement as a WICC/Interstate Corrections Compact transfer to the Interstate Unit and forward all records and files to the Interstate Unit for retention.

Inmates transferred to out-of-state placement shall be carried on the BPT' calendar in central office and shall be afforded all rights as described in the BPT's Rules 2367 through 2373.

No later than six months prior to an inmate's parole or discharge, the Interstate Unit shall request prerelease information from the receiving state and prepare the inmate's release and clothing budget and transmit the funds and/or clothing to the other state.

When the inmate is to be released in the other state, the Interstate Parole Compact requirements shall be completed.

#### **62040.9 Inspection of Out-of-State Prisons**

PC 11194 requires the Director to determine the suitability of out-of-state prisons considered for placement of California prisoners under the WICC/Interstate Corrections Compact.

The Interstate Unit shall provide for initial inspection of such facilities. On-going determinations shall be made annually by the Interstate Unit, utilizing ACA accreditation and Federal Bureau of Prisons' reports and inspections.

The CDC Form 808, Western Interstate Correctional Compact Inspection Report, shall be completed at the time of inspection.

The original report shall be submitted to the Director through the Deputy Director, Institutions Division, and one copy each shall be sent to the Board of Corrections; P&CSD; Interstate Unit; and LAD-PMU.

#### **62040.10 Reception - Prisoners From Other States**

Approval and placement of prisoners from other states shall be arranged on behalf of the Director by the Interstate Unit.

Where feasible, the prisoner's initial reception and processing shall be accomplished at a reception center.

If a case involves medical or psychiatric problems, the case shall be reviewed by the Chief, Medical Services, to determine if the Department has facilities for proper care and, if so, which institution is best suited to provide the care.

#### **62040.11 Progress Report**

Within 90 days following the receipt of a prisoner from another state, the receiving institution shall furnish the sending state an institutional staff recommendation summary.

Thereafter at six-month intervals the institution shall furnish the sending state a report giving a summary of the inmate's progress and adjustment since the last report, including a recommendation for retention or return.

Five copies of the progress report shall be prepared and signed by the counselor and distributed to the BPT, legal counsel; inmate's C-File; and the inmate.

A transmittal letter signed by the Warden shall be prepared to forward the report directly to the sending state.

The copy of the report sent to the Interstate Unit, Attention: Corrections Compact Coordinator shall be reviewed and retained in the inmate's C-File.

#### **62040.12 Transfer**

Transfers from the reception centers to other institutions shall be handled as other reception cases, unless unusual aspects of the case require special review by the Chief, Classification Services, or the DRB for placement determination. The Interstate Unit shall be notified any time the inmate is transferred and prior to the inmate's release.

#### **62040.13 Records**

Whenever practical, the record files of cases from other states shall approximate the form/format of records for the Department's inmates.

The Warden of institutions where inmates from sending states are confined shall keep all necessary records concerning such inmates in a manner agreed upon between the sending and receiving states.

While the inmate remains in the institution, the sending state shall, upon request, be furnished with copies of any records.

Upon termination of the inmate's confinement, the institution shall forward the complete file of the inmate to the sending state.

Nothing contained herein shall be construed to prevent the receiving state or any institution thereof, from keeping copies of any such records upon and after termination of confinement.

#### **62040.14 Federal Prisoners**

PC 2090 and 2902 and a contract with the Federal Bureau of Prisons permits the acceptance of federal prisoners to institutions of the Department.

#### **62040.15 California Prisoners**

PC 2911 and a separate contract with the Federal Bureau of Prisons permits the placement of California prisoners in the Federal Bureau of Prisons' institutions.

#### **62040.16 Consent**

No inmate shall be transferred to a federal facility unless they have executed, in the presence of the Warden or designee, a written consent to transfer CDC Form 802, Federal Prison System Placement Agreement.

Inmates shall be informed of their right to private consultation with an attorney of their choice concerning one's rights and obligations under PC 2911.

An inmate may revoke such consent prior to transfer.

The transporting officer(s) shall verify that the consent was obtained prior to taking custody of the inmate.

#### **62040.16.1 Progress Reports**

Progress reports for federal prisoners in state custody shall be submitted to the Director, Federal Bureau of Prisons, annually starting from the prisoner's reception.

#### **62040.16.2 Release**

Release of federal prisoners in state custody may be accomplished only by order of the federal court or Director, Federal Bureau of Prisons.

Upon release, the inmate's C-File shall be updated, a closing summary added to the case summary and then forwarded to the Department's Archives Unit.

Release shall be within this state unless the prisoner, the state and the federal government agree upon release to some other state.

#### **62040.17 Prisoners to Other Countries**

GC 12012.1 permits the Department to make provisions for inmates who request transfer to their country to complete a prison sentence. The Transfer Treaty is administered by the BPT.

At the present time, transfers may be considered with Canada, Bolivia, Mexico, Peru, Panama, Turkey, France, United Kingdom, Sweden, and Spain.

#### **62040.17.1 Criteria, France**

The inmate is a citizen of France.

The inmate has at least one year left to serve at the time of the transfer request.

The sentence is final.

The inmate's controlling offense is punishable as a crime under the laws of both countries.

The inmate was not convicted of a military offense.

The inmate gives their consent.

#### **62040.17.2 Criteria, Other Countries**

The inmate is a citizen of the country to which they request transfer.

The inmate has at least six or more months remaining on their sentence at the time of the request.

The inmate has no pending appeal or collateral attack on the judgment or sentence.

The inmate had not lived in the U.S. more than five years prior to the present sentence.

The inmate was not convicted for a political, military or immigration offense.

#### **62040.18 Screening**

When an inmate indicates an interest in the transfer treaty program, their counselor shall screen the inmate's records to determine if the inmate meets the above criteria.

If the inmate does not qualify, the inmate shall be provided, in writing, the reasons why and a copy shall be sent to the BPT, legal counsel.

#### **62040.19 Processing**

Male inmates may be referred to the appropriate local classification committee for transfer consideration to RJD, where the process will be completed.

- If recommended, the case shall be referred to the CSR for endorsement to RJD.
- Those male inmates who cannot be placed in RJD general population, shall be processed at their institution of residence as indicated below, and not transferred to RJD.
- If the inmate is found not to be eligible for the program after his arrival at RJD, he shall be presented to a CSR for appropriate return or placement.
- Female inmates shall be processed at their institution of residence by their respective Correctional Counselor, as indicated below.

The inmate's counselor shall have the inmate complete CDC Form 830, Transfer Treaty Program Application and Certification.

The inmate's counselor shall complete the Prisoner's Transfer Progress Report.

A copy of each shall be provided to the inmate and a copy placed in the inmate's C-File.

A copy of the inmate's case summary and copies of the following completed forms and report shall be forwarded (as appropriate to the case) to the BPT legal counsel:

- BPT Form 1001, Life Prisoner - Decision Face Sheet.

- BPT Form 1010, Parole Decision ISL Prisoner.
- BPT Form 1094, Serious Offender Decision - Face Sheet.
- BPT Form 1095, Serious Offender Hearing - Decision (1170.2 (B)).
- CDC Form 830, Transfer Questionnaire (original).
- CDC Form 678, Cumulative Case Summary Confinement Computation.
- Prisoner transfer program report.

The BPT shall process the case and notify the institution of acceptance or rejection.

#### **62040.20 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the content of this section is current and accurate.

#### **62040.21 References**

PC §§ 2090, 2902, 2911, 11189, 11190, and 11194.

GC § 12012.1.

ACA Standards 2-3013, 2-4164, 2-4170, 2-4171, 2-4163, 2-4248, 2-4239, 2-4416, 2-4202, 2-4204, 2-4019, 2-4255, 2-4203, and 2-4186.

### **ARTICLE 9 — SPECIAL PLACEMENTS**

*Effective October 30, 1989*

#### **62050.1 Policy**

Inmates committed to the Department who require specialized housing placements, shall be identified and evaluated for transfer to a special placement facility to ensure the safety of the inmate, security of the institution, and the safety of others.

#### **62050.2 Purpose**

This section establishes standard procedures for the identification, evaluation and transfer of inmates requiring specialized housing placement.

#### **62050.3 Out-to-Confidential Placements (OTCP)**

##### **Purpose**

OTCPs are out-of-Department, in-state transfers of inmates from a facility of the Department to a city or county confinement facility within the State. Such placements are normally used for temporary housing pending arrangements for more permanent placement. The inmate's transfer shall be a confidential matter, and all transfer documents shall only be noted as "Out-to-Confidential Placement".

#### **62050.3.1 Referrals**

Requests for OTCP shall be referred to the Departmental Review Board (DRB) through the Chief Deputy Director. In emergency situations the Chief Deputy Director may authorize such placement before the DRB action; however, the referral shall still be made to the DRB in all cases to document the reason and approval.

#### **62050.3.2 Arrangements**

Upon the Chief Deputy Director's or DRB's authorization, the case shall be referred to the Assistant Director, LEIU who shall coordinate arrangements between the LEIU Office and city or county officials for the inmate's placement and transportation.

#### **62050.3.3 Reimbursements**

The Department shall reimburse the city or county for the costs of such service. Billings must be addressed to the Assistant Director, LEIU, who shall verify the period of the billing, and forward the billing to the accounting office for payment.

City and county officials shall be instructed not to send billings to the institution because the danger exists that persons who should not know the inmate's location may become aware of it through the billing.

#### **62050.3.4 Confidentiality of Location**

An inmate's OTCP movement and the location are confidential. Only those persons who have a legitimate need-to-know may be informed of movement schedules and the inmate's new location. Any persons inquiring as to the inmate's location shall be referred to the Assistant Director, LEIU.

#### **62050.3.5 Records**

The inmate's records and files shall be retained by the sending institution until the inmate is returned to a departmental facility. The Assistant Director, LEIU, shall notify the institution's CCRM and C&PR when the inmate is returned to a Department institution or has been transferred to another jurisdiction.

#### **C-File**

In the inmate's C-File, the CDC Form 112, Chronological History, the institution locator files and data entry to OBIS shall be posted with "OTCP" (in the same way that out-to-court cases are posted) and the date of transfer to OTCP status. The inmate's specific location shall not be shown on any record maintained by the institution, except as may be specifically authorized by the Assistant Director, LEIU.

#### **BPT (BPT, Board) Calendar**

The inmate remains in the technical custody of The Director and the sending institution while on OTCP status and shall be carried on the institution's BPT calendar. The CCRM shall notify the Assistant Director, LEIU, of any scheduled Board hearings and release dates of inmates on OTCP status at least 60 days before the scheduled event.

#### **Mail**

Any mail and other material received or prepared by an institution for an inmate on OTCP status shall be forwarded to the Assistant Director, LEIU.

#### **62050.3.6 Return to Department Custody**

When the OTCP is no longer required and the inmate is returned to the Department's facilities, the Assistant Director, LEIU shall refer the case to the Chief, Classification Services, with a recommendation for housing.

If the inmate is returned to the sending institution, the movement shall not be reported on the institution's Daily Movement Sheet. The inmate's C-file, CDC Form 112, institutional location cards, and data entry to OBIS shall be posted "returned from OTCP" and date of arrival.

#### **Record Keeping**

If the inmate is returned to another institution, both institutions shall report the movement as a routine transfer between institutions. The receiving institution shall post the CDC Form 112 in the inmate's C-file as being received from the sending institution by OTCP.

When an inmate on OTCP is transferred to another state or to a federal institution, the movement shall be reported as an administrative transfer to FSP.

#### **62050.4 Restricted Housing Unit (RHU)**

##### **Location**

A section of CCI's AD-SEG has been set aside as a high security unit for the housing of departmental protective custody, special interest, cases. The unit is referred to as a RHU to emphasize its highly restricted nature.

#### **62050.4.1 Approval for Placement**

The unit shall not be utilized for the AD-SEG, DD or temporary holding of any inmate without the prior approval of the Assistant Director, LEIU. The unit shall not be an option for consideration by classification committees or CSRs in recommending or approving inmate transfers.

Inmate transfers to and from the RHU require the approval of the Assistant Director, LEIU.

#### **62050.5 County Safekeepers**

##### **Authorization**

Pursuant to PC 4007, the Department may confine certain prisoners in its facilities, for any county in California.

#### **62050.5.1 Threat of Forced Removal**

When there is belief that a prisoner might be forcibly removed from a county jail, the sheriff may transport the prisoner to any departmental institution for safekeeping.

##### **Warden Acceptance**

The Warden shall accept and detain such cases until removal is ordered by the superior court of the county from which the person was delivered. Immediately upon receiving such a prisoner, the Warden shall notify the Director in writing. There is no PC provision for reimbursement for such cases.

#### **62050.5.2 Threat to Persons, Jail Property or Health**

When there is belief that a group of prisoners in a county jail are acting in concert and are a threat to others in the jail or are likely to cause substantial damage, with the consent of the Director, the court may, upon request of the county sheriff, designate the confinement of such prisoners in a departmental institution.

The court shall calendar the matter for a hearing within 48 hours of the order or the next judicial day to determine if it shall continue or rescind the order. The prisoner is entitled to be present and to be represented by counsel at the hearing. The court may modify or vacate such order at any time.

The rate of compensation for that confinement within a California State prison or facility shall be established by the Department and shall be a charge against the county making the request for confinement.

#### **Prisoner Placement Consent**

The Warden is delegated to act for the Director in consenting to the prisoner's placement in the institution.

#### **62050.5.3 Medical and Psychiatric Records**

The medical records of county prisoners accepted for safekeeping shall, when possible, be forwarded to the institution designated to receive the prisoner prior to the transfer. In emergency transfers, the records may be delivered with the prisoner.

Any psychiatric/psychological reports or case information that will aid the institution in handling the safekeeper shall be sent with the medical reports. This shall be agreed upon as a condition of acceptance.

#### **62050.6 Inmates With Death Sentences**

##### **Reception, Condemned Males**

SQ is the reception center for all male inmates with a death sentence unless the Director has designated another institution as the place of reception. Death sentence inmates shall not be transferred to any other institution without the prior approval of the DRB and the Director. Exceptions may be made for temporary transfer to CMF for urgent or emergency medical treatment with prior approval of the Director, Chief Deputy Director or Deputy Director, Institutions.

##### **Reception, Condemned Females**

The CIW is the reception center for all female inmates with a death sentence. Upon exhaustion of her appeal and by order of the Deputy Director, Institutions, a female inmate sentenced to death shall be transferred to SQ within three days of her execution date.

#### **62050.6.1 Processing**

The Warden shall ensure that an Institutional Staff Recommendation Summary is prepared within 90 days of the inmate's arrival. A copy of each summary shall be forwarded to the Chief, Correctional Case Records Services.

#### **62050.6.2 Informing The Director/Governor**

The Warden shall keep the Deputy Director, Institutions Division, the Director and Governor informed of any developments pertinent to condemned cases.

##### **Records Processing**

Summaries, reports and notice of any judicial, administrative or executive action taken in death sentence cases shall be forwarded to the Director, by the Deputy Director, Institutions Division. Information concerning appeals filed by the inmate shall include, if possible, the names of the attorneys of record and any other information available from documents filed with the institution and shall also be transmitted to the Director, by the Deputy Director, Institutions Division. The Director shall forward one copy of the above material to the Governor, by the Legal Affairs Secretary, and to the BPT. One copy of the above material shall also be forwarded to the AG's Office in San Francisco by the Warden.

#### **62050.6.3 Commutation**

An inmate whose death sentence is commuted shall be transferred to a Reception Center to complete case processing.

The DRB shall determine the inmate's institution placement.

#### **62050.7 Inmates Serving Life Terms**

##### **Murder 1st, Life W/O Possibility of Parole (LWO) Cases**

Inmates serving an LWO sentence shall be housed in a Level IV institution. Any exceptions to this placement shall be by DRB action.

Institutions with other than a Level IV designation housing LWO inmates shall review these cases annually to determine if case factors continue to support their current placement.

#### **62050.7.1 25-to-Life and Long-Term Determinate Cases**

Inmates serving a 25-to-life or long-term determinate sentence may be placed in a Level III institution unless any of the following factors are present:

- High notoriety or special interest cases involving extreme violence or extensive sexual assault. A special interest case is defined as one which received extensive media coverage, beyond the locale of the offense or trial.
- A history of multiple walkaways or an escape or attempted escape with force or the threat of force from an armed perimeter.
- A history of serious behavioral problems during the current term or prior term.

- A commitment offense which involves multiple murders, a 25-to-life sentence with enhancements which exceed three years or a maximum Determinate Sentencing Law term for more than 39 years, unless three years with good behavior have been served.
- Any outstanding felony holds/detainers, unless three years with good conduct have been served on the term.

#### **62050.7.2 7 or 15-to-Life and Long-Term Cases**

New arrivals serving a sentence of seven to life or 15 to life are endorsed by a CSR at the reception center for appropriate level placement.

##### **Medical/Psychiatric**

Inmates requiring medical or psychiatric treatment who are completing a life term, shall be placed at an institution specifically staffed for this treatment.

#### **62050.7.3 Exclusion of Life Inmates From Level I or II Placement**

An inmate serving any life term whose classification score has reached either level I or level II designation shall not be approved for placement in a Level I or II institution if one or more of the following factors exist.

- The commitment offense is for multiple murders, crimes of unusual violence or execution-type murders and received high notoriety.
- They have other sentences, enhancements or holds which constitute a term of 5 years or more.
- The inmate's case history includes multiple walkaways or escape from a secure perimeter or escape with force or threat of force.
- An inmate serving a life term without an established parole date of three years or less shall not be housed in a Level I institution or assigned to a program outside a security perimeter.
- An inmate serving a life term whose classification score has not reached level I or level II classification level shall not be placed in a level I or II facility except by DRB action.

#### **62050.8 Parole Violators (PV)**

##### **Surrendering at Institution**

When a parolee reports to an institution and requests admittance, they shall be interviewed by staff, preferably a Correctional Counselor prior to classification. Facts concerning their original offense, length of time on parole, criminal or technical violations while on parole and reason for the surrender shall be determined. Institutional staff shall ascertain that the person is a parolee by referring to institutional records or contacting:

- The Identification & Warrants Unit at (916) 445-6713 or ATSS 485-6713.
- The P&CSD's unit office under which the person was supervised.
- The regional parole office having jurisdiction over the office where the person was on parole.

The sheriff or chief of police of the nearest city shall be requested to take the parolee into custody pending disposition by the P&CSD.

#### **62050.8.1 Departmental Bus**

Arrangements for the departmental bus to pick up technical PVs at county jails located along the normal routes may be made by the Deputy Director, P&CSD, with the Chief Transportation Officer. These PVs shall be immediately transferred to the designated reception center, depending upon the parole region of assignment.

#### **62050.8.2 Voluntary and Emergency Medical/Psychiatric Care**

Whenever a parolee requires medical care, it shall ordinarily be provided by private physicians and facilities in the community. Costs for such care shall be provided by the parolee's own resources or community welfare funds.

If the parolee is without sufficient funds, every effort shall be made to establish their eligibility for financial assistance (such as Medi-Cal) to enable utilization of local resources. Return to prison for health care services that are normally available in the community shall be utilized only if all other efforts to obtain health care fail.

##### **Medical/Surgical/Dental Cases**

When a parolee requires medical, surgical, psychiatric or dental care of an emergency nature, and all efforts to obtain community services have failed, the parolee may consent to be returned to a correctional institution. The parole unit supervisor or designee shall contact the CMO, Medical Officer-of-the-Day (MOD) or Chief Psychiatrist of the institutions designated:

- Males to CIM, California Mens Colony - East (CMC-E), CMF or females to CIW.

If the patient's condition does not permit transfer to one of the above facilities, any institution may be utilized. On the next business day, the BPT shall be notified of the return.

##### **Psychiatric Cases**

Males from Parole Regions I and II are placed at CMF.

Males from Parole Regions III and IV are placed at CIM-RCC for initial custody/treatment screening prior to transfer to CMF or CMC-E or CIM. Females from Parole Regions I through IV are placed at CIW.

### **Transfer Requests**

Transfers shall be made during regular work hours. When necessary to effect a move during other than normal hours (nights, weekends or holidays), approval for the acceptance of a parolee shall rest with the institution's Administrative Officer-of-the-Day and/or the MOD.

The administrator who approves an emergency transfer shall follow up by notifying the institution's C&PR on the next workday for purposes of attaining necessary records and to ensure the case is brought to the attention of the BPT.

When the parolee is medically cleared the C&PR of the holding institution shall notify the parolee's district administrator to effect removal from the institution by reinstatement on parole or other appropriate action. Such notification shall be made a matter of written record.

### **62050.8.3 Escapees**

Escapees returned to the Department shall be processed as follows:

- Escapees from CRC and CIM shall be housed in the Reception Center, Central at CIM. However, the case shall be processed by staff of the institution from which the inmate escaped.
- All other escapees shall be returned to and processed at the institution from which they escaped.

### **62050.9 BPT Transfer Requests**

#### **Inmate Diagnosis and Treatment**

The BPT may request that the Director transfer an inmate when its review of a case determines the transfer is advisable for further diagnosis or treatment. The Department shall comply with the request where diagnostic facilities are, or become, available unless such a transfer violates the Department's policy or would threaten institutional security.

The BPT shall be advised of any determination that precludes such a transfer at the earliest reasonable time. It is the responsibility of the C&PR to advise the BPT if the request cannot be fulfilled.

#### **CSR/DRB Review**

If a CSR determines that the BPT request would violate departmental policy or present a security risk, they shall indicate this determination on the CDC Form 128-G, General Chrono, and request that the institution refer the case to the DRB. The C&PR shall advise the BPT if the request would violate departmental policy or present a security risk. If the BPT reaffirms its decision, a DRB referral shall be processed.

If the DRB determines the request is appropriate, a copy of its decision shall be sent to the referring institution. If the request is determined to be inappropriate, then that decision, including rationale, shall be noted on a CDC Form 128-G, and a copy shall be sent to the referring institution and BPT Chairman.

### **62050.9.1 BPT Placement Requests**

#### **Processing**

A BPT recommendation for placement of an inmate in a departmental program for diagnosis or treatment shall be entered on BPT Forms 1010 and 1001.

The counselor shall schedule the inmate for post-board classification and discuss the BPT request with the inmate.

If the inmate agrees with the request and there is no problem in satisfying the request, the case shall be referred to a CSR.

If the inmate refuses to participate, the committee shall note their refusal on the CDC Form 128G and bring the refusal to the BPT's attention at the inmate's next regularly scheduled Board hearing.

### **62050.10 Special Housing Assignments**

#### **Policy**

The Department shall provide secure housing apart from its general inmate population for the supervision and control of those inmates who endanger institutional security or the safety of themselves or others. Such housing is defined as AD-SEG and specifically the units shall be designated per the following sections:

#### **62050.10.1 Special Housing - Temporary**

AD-SEG - Temporary: Provides housing during the period of initial segregation pending the outcome of an investigation and placement by classification action.

AD-SEG provides secure housing upon the initial period of separation from the general population for any reason until a classification committee has determined whether the inmate's placement should be in a specialized housing unit or in the general population.

### **62050.10.2 AD-SEG Housing**

Each institution shall designate and have approved by the Deputy Director of Institutions, a maximum number of beds for AD-SEG in a secure facility section as follows:

- Housing shall be in a secure designated unit with custody established at no lower than Close B.

**Note:** The reception center at CIM shall provide such housing for CRC.

### **62050.10.3 AD-SEG Criteria**

Placement in AD-SEG shall be limited to those cases where reasons exist that the inmate's continued presence in the general population would do any of the following:

- Endanger the security of the institution.
- Jeopardize the integrity of a serious misconduct or criminal investigation.
- Endanger the safety of the inmate or others.

### **62050.10.4 Confidential Information Verification/Disclosure**

An inmate shall not be placed or retained in segregation on the basis of undisclosed information unless staff verifies that to identify the source of information would endanger the safety of the source or institutional security.

When confidential information is used to place or retain an inmate in AD-SEG or to support charges on a CDC Form 115, Rules Violation Report; a Confidential Information Disclosure (CDC Form 1030) shall be prepared [refer to DOM 61020]. A copy of the confidential information disclosure form will be given to the inmate at least 24 hours prior to the initial AD-SEG classification review or the disciplinary hearing. The document shall reveal as much information as possible without identifying the source. The document shall evaluate the reliability of the source and a statement of the reasons why the identity of the source is not disclosed.

### **62050.10.5 AD-SEG Procedure**

#### **Reason for Placement**

All determinations affecting an inmate's placement, degree of custody, or program while in AD-SEG shall be through the classification process.

Authority to order an inmate's placement shall not be delegated below the level of lieutenant except when lower level staff is the highest-ranking official on duty.

Within 48 hours of AD-SEG placement, a staff member not less than a lieutenant or CC-II shall provide the inmate with a CDC Form 114 D, Order and Hearing for Placement in Segregated Housing; or CDC Form 115 which documents a clear and specific reason for their removal from the general population.

Within two work days following an inmate's placement in Ad-Seg, staff designated at not less than the level of captain shall review the order portion of the CDC Form 114-D to make a determination regarding retention in AD-SEG.

### **62050.10.6 Institutional Classification Committee (ICC) Review**

An inmate's placement in temporary AD-SEG shall be reviewed by the ICC within ten days of receipt in the unit. ICC shall determine whether to retain in temporary segregation or release to the general population. ICC shall review the inmate at least every 30 days thereafter until the inmate is released from temporary segregation.

### **62050.10.7 CSR Review**

ICC shall refer for CSR review and approval, any case retained in temporary AD-SEG for more than 30 days. ICC shall make a recommendation concerning continuance in temporary segregation pending completion of an investigation, resolution of court proceedings or transfer to another facility. ICC shall designate an anticipated length of time needed to complete the investigation or court process.

### **62050.11 PHU**

PHUs provide secure housing for inmates whose safety would be endangered by general population placement.

#### **62050.11.1 PHU/Custody Designation**

PHUs shall be designated housing for inmates which custody requirements have been established at no lower than Maximum B custody.

#### **62050.11.2 PHU/Criteria**

An inmate whose safety would be endangered by general population placement may be placed in the PHU providing the following criteria are met.

- The inmate does not require specialized housing for reasons other than protection.
- The inmate does not have a serious psychiatric or medical condition requiring prompt access to hospital care.
- The inmate is not documented as a member or an affiliate of a prison gang.
- The inmate does not pose a threat to the safety or security of other inmates in the PHU.
- The inmate has specific, verified enemies as identified on CDC Form 812 (Notice of Critical Case Information - Safety of Persons) likely to and capable of causing the inmate great bodily harm if placed in general population.
- The inmate has notoriety likely to result in great bodily harm if placed in the general population.
- There is no alternative placement which will ensure the inmate's safety and provide the degree of control required for the inmate.
- It has been verified that the inmate is in present danger of great bodily harm.

The inmate's uncorroborated personal report, the nature of the commitment offense, or record of prior protective custody housing shall not be the sole basis for PHU placement.

#### **62050.11.3 CSR Review**

Each classification committee recommendation for PHU placement shall be presented to the next available CSR. Alternative placement shall be approved or the case deferred for presentation to the designated PHU CSR.

#### **62050.11.4 Emergency PHU Placement by CSR**

Approval by the designated PHU CSR is required for all PHU placements. Emergency transfer approval may be granted by the Classification Services duty officer by FAX to avoid unusual delays. A copy of the emergency FAX approval shall be routed to the designated PHU CSR by the Classification Services duty officer.

Inmates in PHU who are recommended by a committee for alternative placement shall be processed in the same manner as a routine transfer and do not require endorsement by the designated PHU CSR.

#### **62050.12 Psychiatric Services Unit (PSU)**

*Updated February 16, 2007*

A PSU provides secure housing and care for inmates with diagnosed psychiatric disorders not requiring in-patient hospital care, whose conduct threatens the safety of themselves or others.

##### **62050.12.1 PSU Criteria**

Criteria for placement in PSU is as follows:

- The inmate shall be diagnosed as suffering from a major psychiatric disorder but not disabled to the extent requiring hospitalization.
- The inmate's conduct poses a serious threat to the safety of themselves or others if housed in the general population.
- The inmate is capable of participating in unit or group activity without undue risk to the safety of themselves or others.

##### **62050.12.2 CSR Approval**

Inmates who require PSU housing and meet the established criteria, shall be referred by a classification committee to a CSR for PSU placement. The referral shall include a CDC Form 128-C, Medical Chrono; indicating the psychiatric disorder diagnosis and recommended placement.

Approval by the designated CSR is required for PSU placement.

##### **62050.12.3 Alternative Placement**

Inmates in the PSU who are recommended by a committee for alternate placement shall be processed in the same manner as a routine transfer request, except that a current CDC Form 128-C is required for the CSR's review.

#### **62050.13 SHU**

SHUs provide secure housing for inmates whose conduct endangers the safety of others or the security of the institution.

Inmates assigned to SHU shall be designated Maximum A or Maximum B custody.

##### **62050.13.1 Release From SHU**

An inmate shall be released from SHU upon expiration of their Minimum Eligible Release Date (MERD), if any, or after twelve (12) months of

consecutive confinement, whichever is shorter, unless before the MERD or period expires they are afforded all the hearing rights that attend initial placement in segregation.

##### **62050.13.2 SHU Criteria**

An inmate shall be placed in SHU if:

- The inmate has requested segregation for their own protection and the need can be substantiated by appropriate staff.
- The inmate is newly arrived at the institution and more information is needed to determine whether the inmate may be incompatible with any element of the general population. No inmate shall be involuntarily segregated for this reason for more than ten (10) days.
- The inmate has been found guilty of a disciplinary offense sufficiently serious to warrant confinement for a fixed term in segregation, and the term is fixed in conformance with the SHU Term Assessment Chart.
- The inmate's continued presence in general population would severely endanger lives of inmates or staff, the security of the institution or the integrity of an investigation into suspected criminal activity.

##### **62050.13.3 SHU Placement/Undisclosed Confidential Information**

An inmate shall not be placed or retained in a SHU on the basis of undisclosed information.

##### **62050.13.4 Withholding Confidential Information at Placement Hearing**

The identity of any person providing information cited in support of placement or retention of an inmate in a SHU may be withheld at the hearing only if disclosure would endanger the safety of the source or institutional security.

##### **62050.13.4.1 Statement of Reliability**

In any instance where the identity of the source is withheld, the inmate shall not be placed or retained in a SHU in absence of a CDC Form 1030, available to the inmate, setting forth an evaluation of the reliability of the source and a statement of the reasons why the identity of the source is not disclosed.

##### **62050.13.5 Procedures/Institutions Without SHU**

The ICC shall recommend appropriate cases for an indeterminate period of confinement or shall establish a determinate term and present the case to a CSR within 30 days of AD-SEG placement, but in no case later than 45 days. Inmates in AD-SEG endorsed for and awaiting transfer to a SHU shall be deemed a SHU inmate.

Each institution shall establish a determinate period of confinement in SHU for serious offenses that occurred at that facility.

##### **62050.13.6 Procedures/Institutions With SHU**

The Unit Classification Committee (UCC) shall assign the appropriate custody for inmates endorsed for SHU from other institutions.

The UCC shall assign the appropriate custody and recommend a determinate term or indeterminate status when the conduct causing the inmate's placement occurred at that institution.

##### **62050.13.7 SHU Placement Review by UCC**

The UCC shall also recommend the commutation, suspension or release from a determinate term and the imposition, retention or release from indeterminate status and the assessment of a subsequent SHU term if it is viewed as appropriate.

##### **62050.13.8 ICC Review of SHU Placement**

The ICC shall place the inmate on indeterminate SHU status or establish a determinate term when the conduct causing the inmate's placement occurred at the institution.

##### **62050.13.9 Release From SHU After 12 Months**

The ICC shall also act to retain or release SHU inmates who complete a determinate term or 12 months of SHU confinement.

##### **62050.13.10 CSR – SHU Review**

Such cases shall be referred by ICC to a CSR within 30 days, but no later than 45 days from initial placement or the recommendation to release or retain the inmate in SHU. The CSR referral shall include a placement recommendation.

##### **62050.13.11 Resolving CSR Disagreements With ICC**

The CSR shall refer the case to the Chief Deputy Warden for review if there is a difference of opinion with the ICC action.

##### **62050.13.12 SHU – DRB Actions**

Differences of opinion not resolved by the Chief Deputy Warden shall be submitted to the Chief, Classification Services, in Departmental Review Board format for resolution.

### **62050.13.13 SHU Terms**

#### **Establishing Terms**

SHU terms shall be established by ICC using the SHU Term Assessment Chart and the following forms: CDC Form 629C, Factors in Mitigation or Aggravation, CDC Form 629A, SHU Term Assessment Worksheet, CDC Form 629B, Assessment of Subsequent SHU Term Worksheet, and the CDC Form 629D, SHU Time Computation Table.

#### **62050.13.13.1 Establishing SHU Term at Expected Range**

The term shall be set at the expected term for the offense in the absence of mitigating or aggravating factors. Deviation from the expected term shall be supported by documentation of circumstances in aggravation or mitigation on the CDC Form 128-G.

#### **62050.13.14 SHU Computation on CDC Form 629-A**

The terms shall be recorded on CDC Form 629-A using the SHU Time Computation Table which incorporates one quarter Good Time Credit in the term. The computation establishes a maximum release date and a MERD. A copy of the CDC Form 629-A shall be given to the inmate.

#### **62050.13.15 Documenting SHU Terms on CDC Form 629-B**

Serious misconduct while in SHU may result in a determinate term for inmates on indeterminate status, or loss of clean conduct credits or an additional SHU term for those serving determinate terms. An additional term may be concurrent or consecutive and shall be recorded on CDC Form 629-B with a copy to the inmate. Such cases do not require CSR review.

#### **62050.13.16 Establishing Consecutive SHU Terms**

Consecutive SHU terms shall only be assessed for offenses that occur after establishing the initial SHU term. Any offense(s) that occur(s) in AD-SEG awaiting computation of the initial determinate term shall be assessed on the CDC Form 629-A.

#### **62050.13.17 Commuting MERDS by ICC and CSR Referral**

The ICC may commute or suspend any portion of a determinate term. Once commuted, the term shall not be re-imposed. If suspended, the period of suspension shall not exceed the length of the original term imposed. When either action occurs, the case shall be referred to a CSR with a placement recommendation.

#### **62050.13.18 SHU Classification Review**

The UCC shall conduct classification hearings on all indeterminate cases to determine the need for SHU retention in 120-day intervals.

#### **62050.13.19 CSR Annual Review of SHU Indeterminate Cases**

When alternate placement is possible, the UCC shall refer the case to a CSR with a recommendation. The ICC shall review all indeterminate cases and refer them to the CSR at least annually for alternate placement consideration.

#### **62050.13.20 UCC 30-Day Review of Determinate SHU Cases**

The UCC shall conduct hearings on all determinate cases at least 30 days prior to their MERD expiration or during the eleventh month from the date of placement, whichever comes first.

#### **62050.13.21 SHU Retention/Due Process**

Inmates who are being considered by a UCC for SHU retention beyond 12 months shall be afforded all the hearing rights that attend initial AD-SEG or SHU placement.

#### **62050.13.22 Serving SHU Terms in Approved SHU Facilities**

Determinate SHU terms shall only be served in a departmentally approved SHU or a facility specifically designed for that purpose.

#### **62050.13.23 ICC/Suspension of SHU Terms**

When an inmate is found guilty of an offense listed in the SHU Term Assessment Chart and the ICC does not believe placement in SHU is warranted based on the circumstances of the offense, or other factors, it shall establish a term of confinement and commute or suspend the term.

#### **62050.13.24 ICC Review of Incomplete SHU Terms**

##### **Parolees Returned to Prison**

When an inmate paroled while serving a determinate term, the remaining time on the term is automatically suspended. When an inmate returns, either as a PV or with a new prison commitment, ICC shall evaluate the case for re-imposition of the suspended determinate term. If re-imposed, the term shall not exceed the time remaining on the term at the time of parole.

#### **62050.14 Illegal Aliens (Transfer/Release)**

Male inmates who are illegal aliens shall be transferred to SQ or RJD 30 to 45 days prior to their scheduled release date. Transfers shall be

accomplished to facilitate deportation hearings by Federal Immigration Judges in compliance with the Immigration Control and Reform Act of 1986.

#### **Transfer Endorsements**

The institution C&PR shall review and endorse the transfer of identified illegal alien inmates to SQ or RJD for the purpose of Federal Immigration Hearings. These inmates will not require C&PR review and endorsement.

#### **Placement**

Inmates initially processed into Department from reception centers at CIM or CCI shall be transferred to RJD. Inmates initially processed into the Department from all other Department reception centers shall be transferred to SQ.

#### **Female Aliens**

Female inmates who are illegal aliens will be processed into the Department, receive deportation hearings, and released from either the CIW, NCWF or CRC.

#### **62050.14.1 Illegal Aliens (Excluded)**

Illegal aliens who are civil commitments or are housed in a SHU, PHU, pending a serious CDC 115 or have a felony hold, shall not be subject to transfer for deportation proceedings.

#### **62050.14.2 Illegal Aliens (Records)**

The C-files of illegal alien inmates transferring shall be audited by the sending institution and contain all completed documents required to process the inmate's parole.

#### **62050.15 CIW Support Care Unit (SCU)**

The SCU is an unlicensed facility intended to provide housing for inmates who are in remission from mental illness and those who are incapable of participating in the regular institution program. Inmates housed in the SCU will be provided a program that includes occupational therapy and group counseling.

Inmates with acute mental illness shall be referred for treatment to Metropolitan State Hospital.

#### **62050.16 Revisions**

The Deputy Director, Institutions, or designee shall ensure that the contents of this section are accurate and current.

#### **62050.17 References**

PC §§ 1202(a), 3200, 3404, 3700.5, 4007, CCR Article 7.

### **ARTICLE 10 — Behavior Management Unit**

*Effective April 2, 2009*

#### **62060.1 Policy**

It is the policy of the Department to provide alternate General Population (GP) housing and programming for those inmates who are deemed program failures, who participate in organized criminal activity (gang activity), who refuse to participate in racial integration when otherwise eligible for such housing, who refuse to double cell, and those released from the Administrative Segregation Unit/Security Housing Unit (ASU/SHU).

#### **62060.2 Purpose**

The purpose of the Behavior Management Unit (BMU) program is to modify recalcitrant inmate behavior, eliminate and reduce the opportunity to repeat the behavior, and provide non-disruptive inmates the ability to program without continual interruption, due to the behavior of a smaller, more disruptive segment of the inmate population.

#### **62060.3 Implementation**

Inmates must be referred to a Classification Committee for placement into the BMU. The Classification Committee acts to review those inmates who are currently or may become participants in the BMU. An inmate may be placed in the BMU for one or more of the following reasons:

- **Program Failure**

Program failure, as defined by the California Code of Regulations (CCR), Title 15, Section 3000.

- **Security Housing Unit (SHU) Offense as defined in CCR, Section 3341.5**

If an inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, whether imposed or suspended, or whose in-custody behavior reflects a propensity towards disruptive behavior, the inmate may be referred to a classification committee for placement in the BMU.

Inmates currently serving a determinate SHU term whose in-custody behavior reflects a propensity towards disruptive behavior, which otherwise would not be eligible for additional SHU term assessment, shall be considered by the Institutional Classification Committee (ICC) for placement in a BMU upon completion or suspension of the SHU term.

Inmates that have reached the Minimum Eligible Release Date (MERD) and have demonstrated an unwillingness to program in the general population may be reviewed by the Classification Committee for BMU placement consideration.

#### • **Gang Related Activity**

Any pattern, which consists of two or more documented behaviors which indicates an individual's participation in gang related activity, may be grounds for placement in the BMU. Gang related activity is defined as behavior which indicates an inmate's participation in a gang, prison gang, street gang or disruptive group as defined in CCR, Section 3000. Examples of this type of behavior include, but are not limited to:

- Participating in gang related riots.
- Participating in gang related batteries or physical assaults.
- Distribution of property, material, or items in an effort to generate revenue for the purpose of financing/furthering the prison gang or street gang's illegal activity (e.g. drug trafficking, extortion, etc).
- Evidence of attempts to recruit others to participate in prison gang or street gang activities.
- Participating, directly or indirectly, in any misconduct that could be related to a specific type of gang behavior (e.g. cadence, flagging, sagging, possession of gang graffiti, etc).
- A history of participating in disruptive behavior or inciting violence and unrest.
- Management Concern, as defined in CCR, Section 3000.

#### **62060.4 Classification Committee Hearing**

Inmates who meet the criteria for placement in the BMU program per Section 3334 shall be reviewed by a Classification Committee after initial placement in the BMU program. The Classification Committee shall review and approve the step change for each BMU inmate as recommended by BMU staff not less than every 30 days.

The Classification Committee shall be responsible for providing the inmate with notification of the rules and intent of the BMU program. The CDC 128-G, Classification Chrono, shall clearly state that the inmate was informed of the reason for placement, the length of placement, and any additional action the inmate must take to successfully complete the BMU program.

##### **62060.4.1 Initial BMU Placement**

Initial BMU placements shall be for a minimum of 90 days beginning on the date of reception into the BMU.

##### **62060.4.2 Subsequent BMU Placements**

Minimum of 180 day BMU placement beginning on the date of reception into the BMU.

Inmates who require subsequent placement will be monitored by BMU staff to ensure program compliance. If an inmate refuses to participate as required, the Classification Committee will review for possible program rejection.

##### **62060.5 Individualized Training Plan**

The Classification Committee shall complete an initial assessment and develop an Individualized Training Plan (ITP) within 14 days of placement into BMU. The ITP will be based on each inmate's reason(s) for placement as outlined in CCR, Section 3334(b).

Inmates shall be expected to meet the requirements established by the Classification Committee as outlined in the ITP.

Inmates must remain disciplinary free and complete the ITP as directed by the Classification Committee before being released from the BMU. The ITP may include, but is not limited to, participation in departmentally approved cognitive behavior programs, and/or participation in self-help groups.

In each case of the BMU placement, release from the BMU is based upon completion of the ITP established by the Classification Committee.

Inmates retained in the BMU for failure to meet ITP requirements may have their BMU retention period extended. Inmates who have been retained beyond their initial placement period shall have their status reviewed every 30-days by a Classification Committee.

##### **62060.6 Work Group/ Privilege Group Designations**

All inmates placed into the BMU will be designated a Work Group (WG), consistent with CCR, Section 3044, and as determined by the Classification Committee effective the date of placement.

Regardless of the WG, the designated Privilege Group (PG) for Step 1 and Step 2 shall be C. The designated PG for Step 3 shall be B.

All Work/Program assignments for BMU inmates shall be restricted to and located in the BMU.

##### **62060.6.1 Privileges and Expectations Step Process**

The Classification Committee will determine if the inmate has successfully completed their ITP requirements or failed to meet their requirements. Inmates who have met their ITP requirements shall be eligible to advance to the next step of the BMU program. Inmates who have not met their ITP requirements shall be reviewed for appropriate step placement.

**Step 1: Initial Placement – WG A1, A2, B or C and PG C status:** Authorized emergency phone calls only, one-fourth the maximum monthly canteen draw allowance, a minimum of ten (10) hours out-of-cell time per week, which includes yard, dayroom, workshops, self-help group activities as limited by physical design, local institution security and facility needs, and non-contact visits. Inmates must be afforded at least five hours per week of access to recreation on an outdoor exercise yard. If the inmate meets the goals of the ITP, he will advance to Step 2.

**Step 2: WG A1, A2, B or C and PG C status:** One (1) phone call per month, one-fourth the maximum monthly canteen draw allowance, a minimum of ten (10) hours out-of-cell time per week, which includes yard, dayroom, workshops, self-help group activities as limited by physical design, local institution security and facility needs, and non-contact visits. Inmates must be afforded at least five hours per week of access to recreation on an outdoor exercise yard. If the inmate meets the goals of the ITP, he will advance to Step 3.

**Step 3: WG A1, A2, B and PG B status:** One (1) phone call per month, one-half the maximum monthly canteen draw allowance, a minimum of ten (10) hours out-of-cell time per week, which includes yard, dayroom, workshops, self-help group activities as limited by physical design, local institution security and facility needs, and contact visits. Inmates must be afforded at least five hours per week of access to recreation on an outdoor exercise yard. If the inmate meets the goals of the ITP, he will advance to Step 4.

**Step 4:** Upon completion of the ITP, inmates will be returned to traditional GP housing.

Failure to progress in the stepped process shall be grounds for rejection from the BMU Program and a review by the Classification Committee for placement on WG C PG C status. Inmates may not remain in the BMU for more than 180 days without participation. Once the inmate is rejected from BMU by the Classification Committee, he shall be retained on C status and rehoused commensurate with his custody level. Inmates who have been rejected from the program shall not be placed in any other General Population work or program assignment until they have successfully completed their ITP in the BMU.

Inmates who have been rejected from the BMU program must submit a written request to their Correctional Counselor I for readmission to the program and shall be reviewed by a Classification Committee.

##### **62060.7 Authorized BMU Property**

Inmates shall possess only the listed items of personal property while assigned to the BMU:

- Ring (Wedding band, yellow or white metal only. Not to exceed \$100 maximum declared value, and may not contain a set or stone), one.
- Religious Medal and Chain (not to exceed \$100 maximum declared value, chain not to exceed 18" in length, obtainable as a set only. Chains may not be purchased separately from medal), one.
- Religious Items (as approved by the local religious review committees, e.g. kufi caps, yarmulkes, prayer rugs, etc.).
- Books, Magazines, and Newspapers (paperback or hardback with cover removed only. Limit does not apply to legal materials), ten.
- Prescription eyeglasses, clear lens only, one (as prescribed by a physician) pair.
- Tennis Shoes (no shades of red or blue, low, mid, or high tops are permitted. Must be predominantly white in color. Shoe laces white only. Not to exceed \$75.00. No hidden compartments, zippers, or laces that are covered or concealed. No metal components including eyelets), one pair.
- Shower shoes (foam or soft rubber, single layer construction, not exceeding 1" in thickness), one pair.



- Briefs (white only), ten pairs.
- Gloves (cold weather gloves upon approval of Warden, no zippers, pockets, or metal), one pair.
- Watch Cap (white or grey only), one.
- Rain Coat/Poncho (transparent only), one.
- Socks (white only, any combination of short to knee-high), seven pairs.
- Under Shirts (white only, any combination of crew neck, v-neck, long sleeve or sleeveless athletic tank-top. Turtle neck and mock turtle neck are not permitted), five.
- Dental Adhesive (for approved denture wearers only), two.
- Dental Flossers/Gliders (no more than 3" in length, amount allowed in possession to be determined by local institutional procedure).
- Dental Cleanser, one box.
- Deodorant/Antiperspirant (stick or roll-on, must be clear and in clear container only), four.
- Medications, Over-The-Counter (OTC) (only those OTC medications permitted by the Division of Correctional Health Care Services shall be stocked by institution canteens, OTC medications are not approved for inmate packages).
- Mouthwash (non-alcoholic only), one.
- Palm Brush/Comb (no handle, plastic only), one.
- Razor, Disposable (not permitted in Level IV 180 design housing), five.
- Shampoo, one.
- Shaving Cream (non-aerosol), one.
- Soap Bar, six.
- Soap Dish (non-metal), one.
- Toothbrush (subject to local determination of maximum length, local facility is required to shorten if necessary, to meet local requirements), one.
- Toothbrush Holder (plastic only, may only cover head of toothbrush), one.
- Toothpaste/Powder (toothpaste must be clear and in clear container), one.
- Washcloths (white only), two.
- Address Book (paperback only, 3" x 5" maximum), one.
- Ballpoint Pens (non-metal, clear plastic only), one.
- Bowl (construction material to be approved by Division of Adult Institution (DAI), maximum of 8" in diameter), one.
- Can Opener (restricted from Level IV housing), one.
- Legal Pads/Tablets and Notebooks (no spiral bound), one.
- Envelopes, Blank and/or Pre-Stamped, forty.
- Envelopes, Metered (indigent inmates only), five.
- Legal material, as authorized per Section 3161.
- Photos/Portraits (maximum of 8" x 10"), fifteen.
- Reading Glasses-Non Prescription (magnifying glasses), one pair.
- Stamps (U.S. Postal only), forty.
- Stationery (for written correspondence, may be decorated and have matching envelopes), fifteen sheets.
- Tumbler (construction material to be approved by DAI, 16 ounce or less), one.
- Health Care Appliance (Dr. Rx. Only. Not subject to the six-cubic foot limit).
- Canteen items, not to exceed one month's draw of assigned privilege group.

Inmates in the BMU shall possess personal property as authorized in CCR, Section 3190(c) and 3334(g)(1).

All personal property shall be disposed of as provided in CCR, Section 3191(c), except as provided for in DOM, Section 62060.7.1 below.

#### **62060.7.1 Unauthorized BMU Property**

Inmates assigned to the BMU upon the initial placement will have their personal property, not identified as authorized BMU property outlined in DOM, Section 62060.7 stored, provided:

- Initial BMU placement is for no more than 90 days.
- The inmate participates in the BMU program and progresses to the next step at each 30 day review as outlined in 62060.6.1 above.

- The inmate does not receive any property related disciplinary violations while in the BMU program.

Should the inmate fail to comply with the provisions above, all unallowed personal property not identified as authorized BMU property outlined in DOM, Section 62060.7 shall be disposed of as provided in CCR, Section 3191(c).

Inmate's assigned to the BMU upon the second or subsequent placements shall have all personal property, not outlined in DOM, Section 62060.7, disposed of as provided in CCR, Section 3191(c).

#### **62060.8 Religious Services**

All religious services will be conducted in-cell or in the designated BMU as limited by physical design, local institution security and facility needs.

#### **62060.9 Canteen**

BMU inmates will be allowed only one (1) draw per month. Canteen privileges shall be established by the Classification Committee as follows:

Step 1 – One-fourth the maximum monthly canteen draw per CCR, Section 3044(f).

Step 2 – One-fourth the maximum monthly canteen draw per CCR, Section 3044(f).

Step 3 – One-half the maximum monthly canteen draw per CCR, Section 3044(e).

#### **62060.10 Meals**

Inmates assigned to the BMU will receive the same meals as all inmates assigned to the general population.

#### **62060.11 Mail**

All inmate mail will be processed per departmental and institutional procedures.

#### **62060.12 Packages**

Vendor packages are authorized for receipt by inmates housed within the BMU in accordance with their privilege group status.

#### **62060.13 Law Library**

Any inmate housed in the BMU may utilize the law library as determined by local operational procedures.

#### **62060.14 Health Care Services**

All health care, mental health and dental services shall be conducted as per local operational procedures.

#### **62060.15 Mental Health Services**

BMU inmates will be seen by the Mental Health Department in accordance with normal general population treatment expectations as outlined within the Mental Health Services Delivery System (MHSDS). A Mental Health clinician shall attend the Classification Committee for all initial reviews in order to assess the appropriateness of BMU placement for an inmate included in the MHSDS. Inmate's currently at the Enhanced Out Patient (EOP) level of care are not eligible for BMU placement.

#### **62060.16 Showers**

Inmates housed within the BMU will be afforded the opportunity to shower during authorized dayroom periods.

#### **62060.17 Visits**

BMU inmates are permitted visits with their approved visitors. All visits for Step 1 and 2 inmates will be non-contact, including attorney visits. Inmates at Step 3 will be afforded contact visits.

#### **62060.18 Out- Of-Cell Time**

Inmates will be allowed a minimum of ten (10) hours of out-of-cell time per week. This includes yard, dayroom, workshops, self-help group activities, and visits as limited by physical design, local institution security and facility needs.

#### **62060.19 Revisions**

The Deputy Director, Division of Adult Institutions, or designee shall ensure that the contents of this Article are kept current and accurate.

#### **62060.20 References**

PC Section 5058

CCR (15) (3) Section 3000, 3004 - 3005, 3023, 3044, 3161, 3190 - 3191, 3334, and 3341.5.

In re Kevin Hunt, Case No.: HC 6157 Superior Court, Co. of Monterey. (Feb. 2009).

**ARTICLE 11 — TEMPORARY REMOVALS\****Effective November 14, 1989***Not Cleared For Statewide Use****62070.1 Policy**

California statute permits the Director to authorize temporary release and removal of inmates from prison. The Director requires careful screening and control of such releases to avoid risk to the community. Institution, parole, and community correctional center personnel shall approve temporary releases/removals only as permitted by these standards and procedures.

**62070.2 Purpose**

This procedure defines staff responsibilities and provides criteria for granting, denying, and administering temporary removals of inmates from the Department facilities.

**62070.3 Authorized Removals**

Inmates may be approved for temporary community leaves (TCLs) for:

**Inmate Requested**

- Family emergencies.
- Prerelease planning.
- College courses.
- Reentry furlough.

**Removal for Departmental Reasons**

- Medical/psychiatric.
- Release to Hold.
- Off-reservation work assignments.
- Community betterment.
- Disaster relief teams.
- Court ordered.

**62070.4 General Criteria TCLs**

Approved leaves shall be for no longer than necessary to accomplish the stated purpose but shall not exceed 72 hours in length. Medical/psychiatric and court order removals are not statutorily restricted to the 72-hour limitation.

TCLs may include the following conditions:

- Inmates may be required to be under custodial escort.
- Personal funds shall be provided by the inmate to cover requested leave expenses prior to approval.
- Temporary removals initiated by the Department shall be made at no cost to the inmate.
- Volunteer staff escort for family emergency and prerelease leaves may be provided only under strict conditions as outlined in the DOM 62070.4.2 Custodial Escort.
- All TCLs from a prison facility shall require Warden or designated AW approval.
- Leaves from contracted community correctional center facilities shall require approval of the reentry specialist.
- Leaves from noncontracted community correctional centers shall be approved by the facility manager.
- Temporary leave for parolees in custody pending revocation proceedings requires approval of the assistant Regional Administrator.

**Out-of-State Travel (Prohibited)**

Temporary leaves for out-of-state travel shall not be approved for any reason.

**62070.4.1 Exclusion Criteria***Revised September 25, 2007*

Inmates shall not be permitted a TCL when the following conditions prevail:

- Inmate is serving life without possibility of parole.
- When weapons or restraint equipment must be utilized to escort.
- When inmates are out-of-state cases and safekeepers, unless approved by agency retaining jurisdiction.
- When inmates are CYA /DMH [concurrent (CC) jurisdiction] cases, unless approved by those agencies.
- When inmates are determined to be security/custody risks.

Examples are:

- Escape risk.

- Has made verified threats toward victims, witnesses, family members as defined in Section 3000 of the Title 15, departmental staff or public officials.
- Inmate exhibits a pattern of serious aggressive behavior that is supported by disciplinary documentation.

**62070.4.2 Criteria For Custodial Escort***Revised September 25, 2007*

Custodial escort for a TCL is defined as a Department peace officer properly trained and certified in escort of inmates. Certification requires completion of annual IST classes mandated for peace officer staff on transportation and escort of inmates. Custodial supervision shall be required for inmates who possess any of the following case factors:

- Designated other than Minimum-B custody.
- Psychiatric cases documented by the chief psychiatrist as not being a danger to self or others.
- Housed in AD-SEG for protection only.
- Has a felony detainer or is serving a concurrent or consecutive county jail sentence, a portion of which must be served upon release from Department custody.
- Identified with organized crime.
- Convicted of high notoriety crimes or where presence in a community would likely cause adverse reaction.
- Designated "R" suffix (restricted custody).

**Restricted to funeral visit only**

- No parole date or has seven or more years remaining to parole.
  - Inmates in this category shall only be considered for a TCL to attend a funeral of an immediate family member as defined in Section 3000 of the CCR.

**Unavailability of Escort Staff**

- Unavailability of qualified escort personnel shall be cause to deny a TCL request.

**62070.4.2.1 Escort Employee Compensation**

The escorting employee(s) shall be paid in accordance with current payroll requirements. All meals and other escorting expenses including wages of escort shall be reimbursed through inmate trust account funds in accordance with DPA regulations and departmental policy.

**62070.4.2.2 Employee Criteria/Custodial Escort**

Peace officer staff properly trained and certified in the escort of inmates, and exempt from provisions of the FLSA may volunteer their time for the purpose of escorting indigent inmates.

**Volunteer Escorts**

Employees who voluntarily escort without monetary compensation shall be considered "on-duty" during the period of such assignment.

**Transportation**

Transportation for escorted TCLs shall be by state vehicle or public transportation. Transportation for indigent inmates with volunteer escort shall be by state vehicle only. The most direct route of travel shall be used by escorting staff. Escorting staff shall maintain strict adherence to the TCL itinerary. Deviation from established itinerary shall be permitted for genuine emergencies only.

**Overnight Lodging**

Escorted leaves for a period longer than 16 hours shall require prior confirmed arrangements for overnight housing in a departmental institution or county jail facility within the TCL area.

**62070.5 Family Emergency***Revised September 25, 2007*

Emergency leaves may be granted for attendance at a funeral service or hospital bedside visit of a critically ill immediate family member as defined in Section 3000 of the Title 15 except as provided in DOM 62070.4.2 (no parole date or has seven or more years remaining to parole.)

**Immediate Family defined**

Immediate family member as defined in Section 3000 of the Title 15 includes any of the following:

- Legal spouse.
- Registered domestic partner.
- Natural parents.
- Adoptive parents (if adoption occurred and a family relationship existed prior to incarceration).

- Step-parents.
- Foster parents.
- Grandparents.
- Brothers and sisters.
- Children.
  - Natural.
  - Adoptive.
  - Step.
- Grandchildren.

**Note:** Aunts, uncles, and cousins are not considered immediate family unless a genuine and verifiable foster relationship existed prior to incarceration.

#### **62070.5.1 Screening Responsibilities**

*Revised September 25, 200*

The inmate's caseworker:

- Receives request from the inmate, family members as defined in Section 3000 of the Title 15, or other persons identifying the reason for an emergency leave request (death/hospital/visit).

#### **Caseworker Review and Verification**

- Thoroughly verifies that request and circumstances are valid. This verification process shall include, but is not limited to:
  - Verify immediate family relationship.
  - Contact hospital/attending physician, county coroner, and funeral director for complete details surrounding death and funeral arrangements.
  - If death was by other than natural causes, or the death is under investigation, contact necessary law enforcement agencies to determine causes and circumstances of death.
  - Attending physician shall be personally contacted. Attending physician shall verify that the immediate family member's condition is classified as critical and the physician's prognosis for recovery determined.

#### **Hospital Visit Critically ill**

A statement from the attending physician shall be solicited regarding a recommendation that the inmate's visit will/will not be beneficial to the patient's treatment, or that the patient is in imminent danger of death.

#### **Review and verification**

The nature and circumstances of the illness/injury shall also be determined and evaluated with respect to safety/security decisions.

- Verify that inmate wants to pursue the TCL.
- Obtain inmate C-File and thoroughly review all case factors, confidential information, if any, and determine if inmate meets initial approval criteria.

#### **Preliminary Determination**

If preliminary review of case factors reveals ineligibility for a TCL, or other specific information reflects a strong probability of denial, further TCL processing shall be suspended. A CDC Form 128-B, Information Chrono shall be prepared by the caseworker outlining the ineligible/negative facts with a recommendation to deny the TCL request. The chrono shall be referred to the designated approving authority for review and signature, or a decision to proceed with TCL processing.

#### **Review and Verification**

- If decision is to continue TCL processing, review all other case factors including disciplinary history, prison/street gang affiliations, commitment circumstances and custody level to determine recommendations for escorted versus nonescorted leave.

#### **Parole/Community Correctional Center (Inmates under Escort)**

In community correctional center settings, classified inmates will not normally require staff escort. However, escort may be considered necessary for assigned inmates with serious disciplinary actions pending. Inmates who have been placed in a county jail pursuant to PC 6253(b), or who have a hold pending, shall require custodial escort.

In cases of parolees in custody pending revocation proceedings, the Parole Agent shall be required to follow all TCL review and verification procedures to determine escort recommendations. Reasons and circumstances surrounding in-custody status shall be carefully evaluated. All in-custody parolee cases with a hold shall require staff escort.

#### **Caseworker Preparation of CDC Form 601 (TCL) Information**

- A CDC Form 601, Request for Temporary Community Leave, shall be completed and all required signatures obtained for all TCLs.

The caseworker shall establish and recommend the required length of leave, (exact departure and return times), determine reasonable cost estimate to cover leave expenses, and ensure that the funds are in the inmate's trust account prior to final approval. If funds are not available and no volunteer escort is obtained, the TCL request shall be denied and properly documented on a CDC Form 128-B, Information Chrono.

All family emergency/prerelease leaves from an institution shall require caseworker contact with Parole authorities and the leave purpose and itinerary outlined. This contact shall be reflected in the verification section of the CDC Form 601.

#### **TCL Clothing**

Arrangements for civilian clothing for the inmate during the TCL shall be made by the assigned caseworker based upon local facility supplements.

#### **62070.5.2 Processing Responsibilities**

It is the assigned caseworker's responsibility to ensure, either directly or indirectly, that all required documentation for an emergency TCL is properly processed, signed, and presented to the designated centralized location of the inmate's release. Specified records office staff shall assist in providing these services.

- Family emergency/prerelease leaves from the institutions shall require preparation of a CDC Form 161, Checkout Order. A CDC Form 193, Inmate Trust Account Withdrawal, shall be prepared to cover TCL expenses.

#### **Community Correctional Center inmates**

In cases of community correctional center inmates approved for ongoing release to attend work, training, or educational programs, a CDC Form 601 shall be required for initial approval only. This approved form shall authorize ongoing releases thereafter and shall be maintained on file at the local facilities.

#### **Escape Notification**

Leaves under escort shall require the preparation of an inmate identification card with two recent photographs (front view/profile view) which contains all necessary all points bulletin (APB) information. In the event of escape, this information shall immediately be presented to the nearest law enforcement agency by escorting personnel. The escort(s) shall then notify their institution/parole region and report the incident.

#### **Funds/Medication**

The caseworker shall ensure that all documents, including advance funds for the TCL and authorized medications for the inmate are included in the TCL package. For prerelease TCLs up to \$100 of the inmate's \$200 release funds may be advanced upon approval by Parole Agent, to cover specific personal expenses, i.e., clothing, food, and carfare. (This advance allowance shall not be permitted for reimbursement of community correctional center fee charges.)

#### **Escort Staff Briefing**

When possible, the caseworker shall personally discuss the TCL plan and inmate case factors with escorting personnel prior to TCL departure. If personal contact cannot occur, any special instructions or extraordinary information pertinent to the TCL shall be documented on a CDC Form 128-B or memorandum to the escorting staff and included in the escort package for the TCL. Additional briefing of escort personnel by custodial supervisors prior to departure may be required.

#### **TCL Log**

A temporary community release log shall be maintained in a designated location at all facilities. The following staff shall be responsible for maintaining this log:

- Institutions: Watch Commanders.
- Community correctional centers: Reentry Specialist.
- Paroles: Unit Supervisors.

The chronological log (see attached exhibits A&B), shall require a listing of the inmate's name, prison number, date and time of departure, scheduled return time, and actual return time. All log entries shall reflect the date and signature of the employee making the entry.

#### **Failure to Return**

Inmates who fail to return from a leave within the designated time period shall be charged with escape. If staff is notified that the inmate's return has been unavoidably delayed, arrangements shall immediately be made to place the inmate in custody at the nearest Department facility.

#### **Searches Upon Return**

Upon return from a TCL, a search of the inmate shall be conducted by institution/facility staff to prevent the introduction of contraband. The degree and extent of the searches (clothed, unclothed, electronic, etc.) shall be determined by institution/facility security requirements.

#### **Interviewing the Inmate**

A post leave interview shall be conducted with all inmates returning from family emergency/prerelease leaves. The caseworker shall conduct the interview if on duty when the inmate returns. The institution watch commander, watch sergeant, or reentry staff on duty shall conduct the interview if the inmate returns after normal work hours or on weekends and holidays.

The interview shall be documented on the post leave review section of the CDC Form 601. In cases of a return from a funeral or critically ill bedside visit, a close evaluation of the inmate's escape potential or other signs of unusual behavior shall be made. If post leave interview is conducted by custody staff, a follow-up interview shall be held by the caseworker upon their return to duty. All original and post leave TCL documents shall be placed and maintained in the inmate's C-File or the reentry facility file if applicable.

#### **62070.6 Prerelease Planning Leave**

Prerelease planning leaves may be granted for the following reasons:

- Employment interviews.
- Making residential arrangements.
- Taking employment examinations.
- Obtaining business/profession licenses related to employment plans.
- Testing/registering for academic or vocational programs to begin after release date.
- Handling other specific business/personal matters related to reentry, as determined necessary by departmental staff.

##### **62070.6.1 General Criteria**

All general criteria outlined in DOM 62070.4 shall be applicable to prerelease planning leaves.

##### **62070.6.1.1 Release Date Criteria**

The following release date criteria shall be established on inmates prior to considering a prerelease planning TCL request:

- Parole date is within 90 days or less (institutions).
- Discharge date is within 90 days or less and inmate has been approved for community correctional center placement.
- Inmate is housed in a community correctional center and is within 180 days or less to parole.

#### **Exclusion**

- See DOM 62070.4.1.

##### **62070.6.1.2 Criteria for Custodial Escort**

Criteria outlined in DOM 62070.4.2 (Custodial Escort) shall apply for all prerelease leaves.

#### **62070.6.2 Sentencing Law Considerations**

- Determinate Sentence Law (DSL) PC 1170. Inmates sentenced under PC 1170 may be granted a normal prerelease TCL up to 60 days prior to their parole date.
- Indeterminate Sentence Law (ISL) PC 1168. Inmates sentenced under PC 1168 may be granted a prerelease TCL up to 63 days prior to their parole date.

This differs from the 60-day limit for DSL cases to allow for an advancement of up to 60 days on parole dates by parole authorities for inmates sentenced under this law.

#### **Normal TCL Defined**

A normal prerelease TCL is one that may be approved on inmates for the reasons outlined in DOM 62070.6 (Prerelease Planning Leave) and who have 60/63 days or less remaining to parole (or discharge if approved for community correctional center placement).

#### **Exceptional TCL defined**

An exceptional prerelease TCL is one which may be approved on inmates who are within 90 days or less to parole (or discharge if approved for community correctional center placement) for purposes of taking civil service examinations, attending special employment interviews, college enrollment or entrance examinations, etc., when it has been verified that the event will not be scheduled within the 60-day period prior to release.

Exceptional prerelease planning leaves require personal approval by the Warden and RPA.

**Note:** A written report by the Warden to the Assistant Deputy Director, Institutions Division, shall be prepared, outlining the reasons for approving the exceptional leave.

#### **62070.6.3 Initiating Prerelease Leave**

##### **Parole Agent**

A prerelease TCL may be initiated by either parole or institution staff upon request of the inmate.

When TCL is initiated by paroles and the inmate is in an institution, the Parole Agent shall be responsible for verifying that the request is valid through field contacts and other necessary methods. The Parole Agent shall supply institution staff with all available information; i.e., names and addresses of all contacts to be made by the inmate, reasons for TCL, itinerary to be followed, and recommended length of leave to accomplish the purposes outlined.

##### **Caseworker**

When the TCL is initiated from an institution, the caseworker shall contact the assigned Parole Agent, outline the reasons and information concerning the prerelease leave request and obtain the agent's agreement on the necessity for the leave. Whether institution or parole initiated, approval for the leave shall be required by both the Warden and the parole unit supervisor.

#### **62070.6.4 Screening Responsibilities Parole Agent/Caseworker**

The screening and review requirements and responsibilities outlined in DOM 62070.5.1 shall apply for prerelease planning leaves.

The verification processes for prerelease planning leaves shall only differ from an emergency leave by who shall be contacted to verify the leave plan of the inmate.

#### **62070.6.5 Processing**

Prerelease TCLs shall be processed as outlined in DOM 62070.5.2.

#### **62070.6.6 Parole From a TCL**

Inmates may be released on parole from a TCL under the following conditions:

##### **Indeterminate sentence law cases (ISL)**

- An advancement of up to 60 days on a parole date may be approved by a Parole Agent for inmates sentenced under ISL. This advancement may occur while an inmate is on a prerelease planning leave and is contingent on parole staff's approval of the inmate's confirmed employment/residential plans and following criteria:
  - No advancement shall be approved to release inmates prior to their minimum eligible parole date.
  - The releasing authority has not specifically directed that the parole date is not to be advanced.
  - There are no administrative reasons prohibiting the parole advancement; i.e., pending serious disciplinarys, rescission proceedings, etc.
  - Any and all specified parole conditions have been fully met.
  - The PA has authorized, in writing (CDC Form 1504, Parole Release Authorization), the parole advancement in accordance with BPT rules. The CDC Form 1504 shall be forwarded to the institution.

##### **Determinate Sentence Law Cases (DSL)**

- Advancement of a parole date cannot be granted for an inmate sentenced under DSL. However, an inmate under DSL shall be released to parole while on a TCL when the leave extends to the inmate's established release date. This may occur in rare instances where a leave is approved within the three day period prior to the inmate's established parole date.

#### **62070.6.6.1 Methods/Responsibilities for Parole From TCL**

The parole unit supervisor shall be responsible for notifying the institution when an inmate is paroled from a TCL. The following actions shall be taken:

##### **Parole Staff**

- The unit supervisor shall notify the institution by FAX (Attention): C&PR, of the inmate's parole advancement and release to parole from a TCL.
- The unit supervisor shall sign and process the CDC Form 611, Release Program Study, outlining the factors for authorizing the release.

##### **Institution Staff**

- Upon receipt of FAX authorizing the inmate's release to parole from a TCL, the C&PR shall notify the inmate's captain, caseworker, and facility watch commander that the inmate has paroled from the TCL.

- The C&PR shall direct the CCRM to process and complete all parole records on the inmate.

#### **Personal Property**

- The captain shall be responsible to coordinate the disposition of the inmate's personal property with receiving and release (R&R) and parole unit staff.
- If parole from the TCL is anticipated prior to the inmate leaving the institution, the inmate shall be required to sign a CDC Form 193, Inmate Trust Account Withdrawal, to cover the cost of shipping the inmate's personal property, including any personal handicraft materials. The inmate shall be required to supply staff with the name and complete address to where the property shall be shipped.
- If parole while on TCL was not anticipated, the Parole Agent shall be contacted for instructions regarding the disposition of the inmate's personal property. Under this condition, the costs for shipping the property to the designated location shall be deducted from the inmate's release fund

#### **62070.6.6.2 Special Cases/Parole From TCL**

Inmates determined to require immediate contact with a Parole Agent upon release may be granted a TCL up to three days prior to their parole date under the following conditions:

The inmate's established parole date falls on a weekend or holiday.

Special medication needs or other case factors have been documented by the Parole Agent on the release program study form specifying the need for immediate contact and requesting the early release.

- The inmate is eligible for an unescorted TCL.

#### **Responsibilities PAROLE AGENT/C&PR**

The Parole Agent shall initiate the TCL and make all itinerary, travel, and reporting arrangements surrounding the leave.

The institution C&PR, upon receipt of the request and information, shall process the TCL for this purpose.

Inmates not eligible for an unescorted TCL, but requiring immediate contact upon release, shall be picked up by the Parole Agent on their established release date.

#### **62070.7 College Leave**

Temporary leaves may be granted to inmates for the purpose of attending college classes. College leaves shall require approval of the Warden and the Director.

##### **62070.7.1 Exclusion Criteria**

Inmates with case factors as outlined in DOM 62070.4.1 (Exclusion Criteria) and DOM 62070.4.2 (Criteria for Custodial Escort) shall not be approved for a college leave.

College leaves shall be considered only when the college courses or fields of study are not offered at the institution or facility where the inmate is being housed.

Approval/denial shall be contingent on college staff's agreement to accept the inmate for enrollment.

#### **Funding and Transportation**

All expenses involved in an approved off-site college education program shall be borne by the inmate. A lack of funds to cover such expenses shall be cause for denial. Arrangements for transportation to and from the college program shall be the responsibility of the inmate and shall be approved by institution/facility staff.

##### **62070.7.2 Review and Processing Responsibilities**

The initial request by an inmate for a college leave shall be by the institution supervisor of education who shall perform the following functions:

#### **Supervisor of Education**

- Consult with the inmate and develop a program objective and attendance plan.
- Contact college staff and mutually review the program objectives, attendance plan, and the inmate's educational qualifications to pursue the program outlined.
- Obtain written approval from college officials to accept the inmate for enrollment.

#### **Caseworker**

The caseworker shall thoroughly review the submitted plan and take the following actions:

- Review and verify the request for the leave utilizing the basic criteria as outlined in DOM 62070.5.1.

- Process the request as outlined in DOM 62070.5.
- Prepare a memorandum for the Warden, to the Director, citing the request. This document shall outline the inmate's commitment offense, criminal history, institution adjustment, custody classification, parole/discharge date, and educational achievements. The memorandum shall also include the personal

#### **62070.8 Reentry Leaves/Furloughs**

Temporary community leaves from community correctional centers are subject to all criteria, screening, review/verification, and approval methods previously outlined in this section.

##### **CDC Form 601 [Temporary Community Release (TCR)]**

A CDC Form 601 shall be processed for all approved leaves. Leaves (furloughs) for the purpose of routine time and travel to and from established work/educational programs requires a one-time processing of a CDC Form 601 as outlined in DOM 62070.5.2 (Community Correctional Center Inmates).

##### **62070.8.1 Authorized Reentry Leaves and Conditions**

Leaves may be approved for reentry inmates for the purposes outlined in DOM 62070.3 (Inmate Requested Temporary Removals). Additionally, short-term facility leaves of not more than six (6) hours, between 0700 and 2100 hours, may be approved for personal business/convenience purposes as described below:

- Purchases of personal items, i.e., clothing, hygienic supplies, food, tools, etc.
- Medical/dental appointments.
- Developing release plans with Parole Agent or social services agencies.
- Attending religious services.
- Making employment arrangement.
- Participating in approved social/recreational activities.

**Note:** Leaves granted for the above purposes shall not be deducted from the allotted hours for regular TCLs described in subsequent DOM 62070.8.3 (Leave Hour Allotments).

##### **62070.8.2 Additional Criteria (Reentry Leaves)**

All reentry leaves requested by inmates (except family emergency TCLs) shall in addition to other criteria outlined, require the following:

- Housed at the facility a minimum of seven (7) days.
- Completed orientation, facility classification, and have an established action plan approved by facility staff.
- Be current on payment of facility fees.
- Have no disciplinarys pending.
- A minimum of twelve (12) hours has elapsed since last approved TCL.

#### **Emergencies During orientation period**

A request for a family emergency TCL during the period of reentry orientation shall require a classification committee action to review case factors and confirm the inmate's custody level. This classification action shall be used (with other criteria outlined for approval/denial of emergency TCLs) to determine escort/non-escort requirements. This action may be done in absentia, providing no adverse actions are taken.

##### **62070.8.3 Leave Hour Allotments**

The maximum number of hours permitted for prerelease planning leaves in a community correctional center are:

- Sixty hours during the first month.
- Ninety-six hours during the second month.
- One hundred forty-four hours during the third and subsequent months.

**Note:** These leave hour allotments are a privilege and are subject to loss or reduction through formal disciplinary actions.

##### **62070.8.3.1 Time and Travel Limits (Reentry Leaves)**

Although no leaves will be approved for periods longer than necessary to accomplish the stated purposes, the following maximum limits shall apply:

- Furloughs.
  - Furlough leaves for attending established work, academic or vocational training programs shall be limited to twelve hours per day.
- Short Term Facility Leaves (passes).
  - Limited to six hours per day.
- Family Leaves/Prerelease Planning.

- Leaves for purposes of re-establishing family ties and special preplanning leaves requiring an extended absence to accomplish shall be limited to thirty-six hours.
- Family emergency.
  - Family emergency TCLs shall be limited to the time necessary to complete the purpose however not more than seventy-two hours.

#### **Travel Limits**

All temporary leaves from a reentry facility (excluding emergency leaves) shall be limited to a thirty-mile radius unless a longer distance is specifically approved in writing by the supervisor/facility manager.

#### **Advance Notice Requirements (Inmate)**

It shall be the inmate's responsibility to make advance requests for specific types of leaves within the following minimum time periods:

- Less than twelve hours; twelve hours in advance.
- Overnight; forty-eight hours in advance.

#### **62070.8.4 Employment/Training Leave Verification/Processing (Responsibilities)**

The reentry specialist, upon notification by the inmate of a proposed employment/training program, shall take the following actions:

- Evaluate the proposed employment/training program.
- Contact and inform the proposed employer of:
  - Inmate's status.
  - Limits placed on inmate.
  - Need for cooperation between employer and agent.
  - Frequency of contacts required.
- Ensure that employer is reputable, possesses a business license, pays by check, withholds State/Federal Income Tax, and State Disability Insurance.
- Assess distance of job/training program from facility.
- Evaluate means of transportation to be used.
- Ensures that inmate's criminal background/case factors does not preclude job assignment.
- Verify that job/training hours do not violate the 12-hour daily time limit.
- If proposed program is for education/vocational training:
  - Determine a well defined need exists for inmate to participate in the program.
  - Determine that program will lead to employment before or shortly following parole.

#### **62070.8.4.1 Reclassification (Employment/Training Approval)**

Upon verification and approval of an inmate's job or training program, an in absentia CDC Form 128-G, Classification Chrono shall be prepared by the reentry specialist with a signature block for the facility manager, which shall be signed. The chrono shall include the following:

- Description of program/job.
- Rate of pay.
- Hours that inmate will leave and return to facility.
- Type/means of transportation.
- Any specific instructions to be given to the inmate.

#### **62070.8.4.2 Facility Controls (Approval Furloughs)**

Reentry facility managers shall be responsible for establishing and maintaining the following controls on inmate's approval for job/training furloughs:

- Maintain a daily roster on all approved inmate furloughs which contains:
  - Complete daily itineraries.
  - Scheduled departure and return times.
  - Name of contact person at program site.
  - Address and phone number of program location.
  - Daily contact/verification section.
- Require that a facility staff member makes daily telephone contacts with designated contact person, confirms the inmate's compliance with the program/itinerary and records this contact in facility roster.

#### **62070.9 Medical/Psychiatric Removals**

Inmates may be temporarily removed from an institution to a community medical facility for medical, psychiatric, or dental purposes under conditions outlined in this section.

#### **62070.9.1 Conditions for Removal**

Medical removals shall be authorized for the following:

- Medical, dental, or psychiatric examination, diagnosis or treatment that is not available at the institution or within other medical facilities of the Department.
- Emergencies, wherein immediate care and treatment cannot be provided at the institution and transfer to another institution that may provide the service is not reasonable.

#### **62070.9.2 Approval**

Temporary removals for medical reasons shall be approved by the CMO, the AW responsible for the inmate, and the Warden or chief deputy Warden.

#### **Weekends, Holidays, and After Normal Work hours**

Medical emergencies requiring removal of inmates to a community medical facility occurring after normal work hours, or on weekends and holidays, may be authorized by the institution watch commander, and/or the administrative officer-of-the-day (AOD). When time permits, the facility watch commander shall seek prior approval from the AOD for the emergency removal. When immediate contact is not possible, the AOD shall be notified as soon as possible and all details of the removal reported.

#### **62070.9.3 Procedures/Responsibilities (Medical Removals)**

During normal work hours, the CMO shall direct medical staff to complete a CDC Form 7252, Request for Authorization of Temporary Removal for Medical Treatment. A separate CDC Form 7252 shall be required for every removal.

#### **AW**

The CDC Form 7252 shall be forwarded to the AW in charge of the inmate for a custody/security review. The AW level review shall require the following:

- A review of the inmate C-file to determine escape/violence potential, commitment offense, sentencing status, custody level, etc.
- Determine in writing, the type and degree of security/custody escort required. This order shall include:
  - Type and amount of restraint equipment.
  - Number of escort personnel.
  - Type of transportation.
  - Type and number of weapons to be used.
  - Any special security instructions, i.e., additional escort vehicles, specific travel routes, etc.

**Note:** All removals for medical/psychiatric purposes shall require custodial escort. The type and degree of escort shall be determined by the above procedure and as outlined in DOM 55060, Transportation of Inmates. Hospital coverage shall also be determined by this section.

#### **Warden**

The CDC Form 7252 shall be forwarded to the Warden or chief deputy Warden for final approval.

#### **Records Office staff**

Records office staff shall process the requirements to effect the removal as outlined in DOM 62070.5.2, Temporary Community Leave. The original CDC Form 7252 shall be placed in the inmate's C-file and a copy in the inmate's medical file.

#### **62070.9.4 Emergency Removal Procedures/Responsibilities Medical Staff (Emergencies After Normal Hours, Holidays/Weekends)**

When medical emergencies occur during other than normal work hours requiring an inmate(s) removal to a community medical facility, the senior medical staff person on duty shall:

- Contact the assigned medical officer-of-the-day (MOD) and describe the medical circumstances.
- Receive emergency medical/treatment instructions from the MOD.
- Obtain verbal approval from the MOD to remove the inmate(s) to an appropriate community medical facility based on circumstances of the injury/illness.
- Notify the watch commander and report all details and instructions.

#### **Watch Commander/AOD**

The institution/facility watch commander shall be responsible to coordinate and effect emergency medical removals during non business hours.

The watch commander shall assume the responsibilities outlined for the AW in DOM 62070.9.2 for medical removals under these described conditions. The AOD, if present or in contact during the emergency, shall assume responsibility for authorizing the removal.

#### **Custodial Coverage Community Hospital**

The AOD and watch commander shall ensure that appropriate custodial coverage is provided at the community hospital as outlined in DOM 55060, Transportation of Inmates.

#### **62070.10 Release to Hold**

California statute authorizes the Department to release inmates whenever official detainees are on file from other law enforcement jurisdictions within the state.

##### **62070.10.1 Conditions for Release/Retention in Custody**

Inmates that have scheduled release dates and are to be released to a "Hold" lodged by a law enforcement or other agency may be:

- Released to the agency lodging the detainer within five days, or five court days, if the law enforcement agency lodging the detainer is more than 400 miles from the county in which the institution is located, prior to the scheduled release date, provided the inmate remains in custody until the scheduled release date.
- Retained in custody of the Department up to five days, or five court days, if the law enforcement agency lodging the detainer is more than 400 miles from the county in which the institution is located, after the scheduled release date to facilitate pickup by the agency lodging the detainer.

##### **62070.10.2 USINS Holds**

Inmates/parolees scheduled to be released to an active USINS detainer shall be released as follows:

- Release the inmate/parolee to the USINS officials within five days prior to the scheduled release date if the agency is within 400 miles of the releasing institution, or five court days prior to the scheduled release date if the agency is more than 400 miles from the releasing institution, provided the inmate/parolee is kept in custody until the scheduled release date.
- Retain the inmate/parolee in custody no more than 48 hours beyond the scheduled release date to facilitate pick up by USINS officials.
- If the USINS officials cannot pick up an inmate/parolee within the required time limitations, notations are to be made on the CDC Form 850, Detainer Summary, that USINS cannot pick up the inmate/parolee. The notations will include date, time, name of USINS official spoken to, and name of the Department staff person making the notation. The inmate/parolee is to be given reporting instructions and released to parole (or discharged if applicable) providing there is no other detainer/reason that would preclude release. PC 2713.1 does not prohibit the granting of prerelease funds to these individuals.

##### **62070.10.3 Procedures/Responsibilities C&PR/CCRM**

The C&PR and CCRM shall be responsible to coordinate the release of inmates under detainer status and contact the agency lodging the detainer.

#### **Records Staff (Early Release)**

When it is determined that an agency with a hold will assume custody of an inmate prior to the scheduled release date, the following actions shall be taken:

- A CDC Form 161, Checkout Order, shall be prepared reflecting the date of release to the agency and the actual parole date of the inmate. This information shall facilitate accurate OBIS entries.
- A CDC Form 801, Department Detainer, shall be prepared on the inmate with a notation not to release prior to scheduled parole date.
- Follow all other established parole release procedures as outlined in DOM 75010, Case Records.

#### **C&PR (Notification to Inmate)**

Inmates retained in Department custody beyond their scheduled release date to facilitate pickup, shall be notified in writing (CDC Form 128-B) by the C&PR. The CDC Form 128-B, shall specify the following:

- Information regarding the detainer.
- Agency requesting the extension.
- Date of scheduled release to the agency assuming custody.

#### **62070.11 Off-Reservation Work Assignment (ORWA)**

Inmates may be temporarily removed from an institution/facility for the purpose of performing work related to the institution/facility or other state/federal agencies and subdivisions as authorized by California statute.

##### **62070.11.1 Exclusionary Criteria**

Inmates with case factors outlined in DOM 62070.4.1 and 62070.4.2 shall not be considered for off-reservation work assignment (ORWA). Inmates convicted for, or with a history of arson, or inmates with five or more years remaining to their established release date, shall also be excluded from ORWA.

##### **62070.11.2 Escort Requirements**

All removals for ORWA purposes shall be under custodial escort. Photographs and escape information shall be in possession of escort personnel as described in DOM 62070.5.2. Inmates shall be attired in prison clothing. Travel routes, emergencies, and all other escort procedures outlined in DOM 62070.5.2 shall be adhered to.

##### **Searches**

Inmates removed from a facility for ORWA purposes shall be searched prior to removal and upon return from their assignment. The degree of the searches shall be determined as outlined in DOM 62070.5.2(7).

##### **62070.11.3 Review/Approval (Methods and Responsibilities)**

Consideration for ORWA classification shall include the following actions:

##### **Correctional Counselor**

- The CC-I shall initiate a preliminary review of inmate case factors for ORWA consideration.
- Eligible inmates identified by the caseworker shall be referred to a unit/institution classification committee (UCC/ICC) for review.

##### **Classification Committee**

- Review case factors for ORWA clearance.
- Cases approved at classification shall be recorded on a CDC Form 255, Off-Reservation Work Assignment Eligible List, and forwarded to the Warden or chief deputy Warden for final approval.

##### **Warden/Chief Deputy Warden**

- Review case factors of inmates submitted on CDC Form 255 for final ORWA approval.
- Delete from the list any inmates determined unacceptable.
- Sign and forward approved list to designated staff responsible for effecting ORWA releases.

##### **62070.12 Community Betterment/Delinquency Prevention**

Wardens may establish community betterment and delinquency prevention programs within the institutions and approve the temporary removal of inmates for participation. The intent and purpose of these programs shall be to orient communities to the consequences of crime and delinquency. Controls shall be established by the program coordinators to prevent glorification of crime and/or the criminal, or criticisms of statutes and law enforcement agencies.

##### **62070.12.1 Program Coordinator**

The institution community resources manager shall be responsible for overall coordination of the program.

A list of all approved inmates for community betterment/delinquency prevention participation shall be maintained by the community resources manager (CRM).

Community groups selected for speaking engagements shall be approved by the coordinator prior to scheduling.

##### **62070.12.2 Criteria/Approval Methods**

Off-reservation work assignment clearance shall be required for inmates assigned to community betterment programs. All criteria, review and approval methods outlined in DOM 62070.11.1, 11.2, and 11.3 (ORWA) shall apply to community betterment assignments. Participation shall be voluntary.

##### **Escort Limitations**

A maximum limit of four inmates per speaking engagement shall be permitted unless otherwise approved in writing by the Warden or designee. Overnight engagements shall be prohibited. Travel distance from the institution for speaking engagements may be limited by the Warden.

##### **62070.13 Disaster Relief Teams**

Inmates may be temporarily removed from an institution/facility for the purpose of providing assistance to communities during a major disaster or enemy attack.

##### **62070.13.1 Assigned Duties**

Disaster teams (emergency crews) may be utilized to assist communities surrounding the institution in providing the following types of services:

- Firefighting.

- Salvage operations.
- Rescue operations.
- Identification/burial of dead.
- Registration of homeless.
- Other services approved by the Warden.

#### **62070.13.2 Approval Criteria Escort**

Disaster crews shall be selected from the institution list of inmates approved for ORWA. Inmates approved for this purpose shall have an X suffix added to their custody, i.e., ORWAX. Disaster crews shall be under custodial escort and supervision during the period of removal and subject to all procedures outlined in DOM 62070.11.2, Escort/Search Requirements.

#### **62070.14 Court-Ordered Removals**

Inmates may be temporarily removed from an institution/facility for specific court-ordered appearances. Court-ordered removals shall be authorized and effected under the criteria and procedures outlined in DOM 73040, Case Records.

#### **62070.15 Revisions**

The Deputy Director, Institutions or designee, shall ensure that the content of this section is current and accurate.

#### **62070.16 References**

PC §§ 1168, 1170, 2600, 2620-2625, 2690-2692, 2700-2710, 2716, 2760, 2761, 2780, 2781, 2790, 2931, 3056, 3057, 3410 - 3425, 4530, 4755, 5054, 5055, 5068, 5080, 6202, 6250-6256, 6260-6266.

CCR (15) (3) §§ 3040, 3044, 3072, 3080-3083, 3273, 3275-3280, 3304, 3325, 3350, 3375.

CCR (15) (2) §§ 2355 - 2359.

W&I § 300.

CC § 232.

18 USC 1961.

ACA Standards 2-4015, 2-4411 - 2-4414, 2-4416 - 2-4419, 2-4434, 2-4480 - 2-4486.

### **ARTICLE 12 — TREATMENT CATEGORIES**

*Revised October 31, 1990*

#### **62080.1 Policy**

Inmates committed to the Department who are identified as in need of special medical/psychiatric treatment shall be evaluated and placed into specialized medical/psychiatric treatment category programs.

#### **62080.2 Purpose**

This section establishes standard procedures for the orderly identification, evaluation, and acceptance of those inmates in need of special medical/psychiatric treatment programs.

#### **62080.3 Treatment Categories**

##### **Medical**

Assignment into and out of all medical treatment categories shall be through the classification process and endorsement by a CSR. Classification committee referrals to a CSR shall also include the appropriate medical recommendation on a CDC Form 128-C, Medical - Psychiatric - Dental Chrono, signed by a physician and/or psychiatrist dated within 90 days of the CSR's review. The CDC Form 128-C shall indicate that an agreement has been reached between sending and receiving physicians. Inmates endorsed for specific medical treatment categories shall receive at a minimum an annual medical evaluation to determine if continued medical placement is appropriate. The case shall be submitted to a CSR for review and endorsement at least on an annual basis.

#### **62080.4 Acute Medical Inpatient**

##### **Category "H"**

Inmates who require medical services and/or surgical care in a general acute care hospital are designated Category "H". Category "H" care is provided at CMF, CIM, and California Men's Colony - East (CMC-E). Female inmates and male inmates with medical needs that cannot be met in CDC hospitals may be transferred to a community hospital.

#### **62080.5 Medical Inpatient**

##### **Category "N"**

Inmates with chronic medical illness requiring skilled nursing or intermediate level medical care are designated Category "N". This program has licensed nursing staff on duty at all times and is provided at CMF, CIM,

and CMC-E. Female inmates requiring this level of service shall be transferred to a community hospital unless special arrangements can be made at the CIW infirmary. This category is not for inmates in infirmaries undergoing short-term treatment of minor illness.

#### **62080.6 Medical Outpatient**

##### **Category "O"**

Inmates who have recurrent, contagious, chronic, or other medical problems that do not require inpatient care but do require frequent outpatient diagnostic, treatment and/or rehabilitation services shall be designated Category "O". This category includes those inmates on dialysis or unusual diets and those requiring treatment and who are wheelchair-bound or blind.

This category is provided at the acute general hospitals at CMF, CIM, CMC-E, and the CIW infirmary. Inmates unable to climb stairs shall not be transferred to CMC-E.

#### **62080.7 Treatment Categories Psychiatric**

##### **General**

Inmates who suffer impaired functioning sufficient to require a mental health treatment program due to symptoms of a major mental illness shall be transferred to CMF, CMC-E or CIW for psychiatric evaluation. The psychiatric referral and diagnosis shall be consistent with the standards of the American Psychiatric Association, DSM-IV-R, Classification Axis I, II and V.

Reception Center psychiatric referrals shall be documented on a CDC Form 128-C and referred to a CSR. The CSR shall endorse reception center process cases to CMF, CMC, or CIW for psychiatric evaluation.

Upon completion of the psychiatric evaluation, the case shall be returned to a CSR for confirmation of the recommended psychiatric program and placement at CMF, CMC-E or CIW or DMH. Inmates not requiring a psychiatric program shall be placed at an institution in accordance with the classification score and other program needs.

##### **62080.7.1 Reception Centers**

Reception Center inmates designated psychiatric category on a prior term shall be evaluated by psychiatric staff for reestablishment of the category based on the current need for psychiatric intervention.

This evaluation shall be documented on a CDC Form 128-C and shall include a recommendation for housing at CMF, CMC-E or CIW if intervention is indicated.

If psychiatric intervention is not indicated, staff shall recommend general population placement. The Category "U" shall not be used at reception centers.

##### **62080.7.2 Institution Referrals**

Institution requests for psychiatric evaluation shall be documented on a CDC Form 128-C and referred to a CSR for endorsement to CMF, CMC-E or CIW as "psychiatric evaluation and return" cases.

Inmates determined not to be in need of psychiatric intervention shall be returned by the C&PR to the sending institution, providing the CDC Form 128-C documenting the psychiatric evaluation is available and dated within 90 days of C&PR review.

Inmates endorsed for specific psychiatric treatment categories shall receive at least annually, a psychiatric evaluation to determine if continued psychiatric treatment is necessary. This annual evaluation shall result in a classification review and referral to a CSR for confirmation of the inmate's category designation.

##### **62080.7.3 C&PR Designation**

C&PRs at CMF, CMC-E and CIW may re-designate between Category "I" and "J" inmates based on current program status by using a CDC Form 840, CDC Reclassification Score Sheet.

#### **62080.8 Inpatient Psychiatric Care**

Inmates housed at CMF, Atascadero State Hospital (ASH) or Metropolitan State Hospital (MSH) who demonstrate impaired functioning due to symptoms of a major mental disorder shall be designated Category "I".

##### **Category "I"**

This category shall include inmates determined to be:

- Unable to perform normal institution routines.
- Unable to provide for their basic needs or utilize available treatment resources.
- Suicidal or self-abusive.
- Inmates who demonstrate impaired functioning or other abnormal behavior of unknown etiology may be admitted for observation and diagnostic study.



Cases shall be designated Category "I" only by CMF/DMH, CMC (ASH cases) or CIW (MSH cases) staff.

#### **62080.8.1 Inpatient Observation, Unclassified**

Other institutions with inmates appearing to meet Category "I" criteria shall provide this information to the designated contact person at CMF/DMH or CIW. This may be accomplished by telephone interview.

Upon verbal acceptance the DMH evaluation team will notify CMF C&PR who will request FAX approval for transfer as "inpatient observation, unclassified." (Refer to 62080.16.1).

Female inmates needing inpatient psychiatric services shall be referred to a state hospital by CIW staff. Male inmates at CMC needing inpatient psychiatric services shall be referred to ASH or CMF/DMH.

#### **62080.8.2 PC 2684**

DMH provides inpatient services for inmates transferred from psychiatric programs at CMF, CMC, and CIW to a state hospital pursuant to PC 2684. These inmates shall be designated Category "I" during their state hospital placement.

#### **62080.9 Outpatient Psychiatric Care**

Outpatient care shall provide a supportive milieu in a program designed to maintain or improve social and psychiatric functioning.

##### **Category "J"**

Inmates in an outpatient psychiatric treatment program shall be designated Category "J". They may be received from reception centers or other institutions diagnosed as suffering from a major mental illness sufficiently disabling to prevent adjustment to the general population without psychiatric intervention.

##### **62080.9.1 Criteria**

These individuals shall have a DSM-III-R Axis I diagnosis of:

- Schizophrenia.
- Delusional Disorder.
- Brief Reactive Psychosis.
- Schizophreniform Disorder.
- Schizoaffective Disorder.
- Induced Psychotic Disorder.
- Atypical Psychosis.
- Bipolar Disorder - sufficiently disabling to preclude general population placement.
- Major Depression - Depressive disorder not otherwise specified.
- Other Axis I diagnosis concomitant with an Axis V Global Assessment Function Score of 50 or less.

Category "J" designation shall not include inmates in need of acute psychiatric hospitalization as provided for by Category "I" criteria.

##### **62080.9.2 General**

This category shall be provided at CMF, CMC-E and CIW and shall only be designated by staff at these institutions.

CMF shall house Category "J" inmates who are assaultive or otherwise present management problems. CMC-E shall house inmates chronically disabled by mental illness who are not a danger to others and require little therapeutic programming beyond medication maintenance.

##### **62080.9.3 Category "J" SHU Placement**

*Updated February 16, 2007*

When a Category "J" or "K" inmate is found guilty of a rule infraction requiring a SHU term be established, the Institution Classification Committee shall determine whether the act was likely a result of a developmental disability or a mental condition or if continued supportive milieu housing is necessary.

If it is determined that the inmate's disability or mental condition makes SHU programming impractical, the term shall be suspended or commuted and the inmate retained or transferred to the appropriate institution.

If it is determined that a male inmate continues to need supportive care, an evaluation for the Psychiatric Services Unit housing shall be recommended and/or completed by CMF staff. (Refer to DOM 62050.1.2.)

If it is determined that supportive housing is no longer required, the inmate shall be recommended for Category "U", the SHU term assessed, and an appropriate SHU program recommended or the term suspended or commuted and an institution and alternate recommended to the CSR.

#### **62080.10 Supportive Care**

##### **Category "K"**

Inmates with pronounced social inadequacies due to mental retardation and/or developmental disabilities that preclude general population placement shall be designated Category "K". These inmates shall have a DSM III-R Axis V diagnosis concomitant with a Global Assessment Function Score of 50 or less.

This category shall be provided at CMC-E, CMF and CIW. Male inmates with this designation who are assaultive or otherwise a management problem shall be housed at CMF.

#### **62080.11 Psychiatric Diagnostic Program**

##### **Category "X"**

Category X is a 90-day evaluation program ordered by the BPT for specific psychiatric or psychological assessment. Inmates shall be endorsed for Category X and return to the sending institution. FAX approval is required prior to transfer.

#### **62080.12 Psychiatric Milieu Outpatient**

##### **Category "T"**

Male inmates with identified psychiatric problems requiring outpatient group therapy or individual psychotherapy in a structured environment shall be designated Category "T". Normal participation in this program shall not exceed 12 months, and upon completion of the program, inmates are expected to return to the sending institution or transfer to another institution, if the sending institution is no longer appropriate.

Category "T" is provided only at CMC and is normally limited to those cases recommended by the BPT. FAX approval by Classification Services is required prior to transfer. In addition, Category "T" cases shall be presented to a CSR with a placement recommendation at the completion of or after 12 months in the program, whichever comes first.

#### **62080.13 Psychiatric Recovered**

##### **Category "U"**

Inmates who have recovered from a major illness requiring inpatient or outpatient psychiatric services shall be designated Category "U". A significant period (normally 180 days) of no serious psychiatric symptoms shall be considered evidence of recovery.

Category "U" shall include inmates no longer in need of psychotropic medication and those who are asymptomatic as a result of compliance with psychotropic medication. These inmates may be expected to function within a general population setting.

All inmates classified as Category "U" for a period of two years shall be reviewed for possible reclassification and deletion of the category designation.

#### **62080.13.1 Inappropriate Category Designation**

Professional differences of opinion regarding an inmate's placement in a psychiatric category may occur amongst clinical staff at an institution. If these differences cannot be resolved informally, the case shall be referred to the institution's Chief Psychiatrist for resolution.

If the differences of opinion occur between clinical staff at separate institutions and agreement cannot be reached, the case shall be referred to the Chief Psychiatrist, Mental Health Services Branch, for resolution.

#### **62080.14 Effeminate Homosexuals**

Male inmates who are preoperative transsexuals, or active effeminate homosexuals whose appearance and personality make them incompatible with general population housing, shall be presented to a CSR for placement in Category "B". A CDC Form 128-C is not required. Inmates shall not be placed in Category "B" solely on the basis of sexual preference or feminine traits, nor remain in Category "B" longer than their appearance and conduct makes necessary.

This category is provided only at CMF and is intended to provide safe, supportive housing for those likely to be easy victims of sexual assault as well as to avoid the conflict and disruption their presence would create in a general population institution.

#### **62080.15 Medical and Psychiatric Transfers/ Non-Emergency**

Routine medical/psychiatric transfer requests shall be referred to a CSR with a recommendation from an appropriate classification committee.

Routine transfers for medical/psychiatric reasons generally are to resolve a specific short-term medical problem, psychiatric problem, or evaluation as a "medical/psychiatric return" placement or for special prolonged placement needs.

**62080.15.1 Medical/ Psychiatric and Return**

No medical transfer for evaluation and/or short-term treatment shall be approved until a statement of acceptance has been obtained from the receiving institution's CMO or Chief Psychiatrist as appropriate. If the transfer request is within CDC policy, the CSR shall indicate endorsement in the usual manner. If the inmate is to be returned to the sending institution upon completion of evaluation or treatment, it shall be indicated on the CDC Form 128-G, Classification Chrono, by "Medical (Psychiatric) and Return".

Male inmates serving life without possibility of parole in need of emergency medical/psychiatric care shall be exempted from Departmental Review Board review requirements and shall be presented to a CSR for transfer approval.

**62080.15.2 Department Form 128-C Documentation**

A medical officer's report on a CDC Form 128-C shall be attached defining, in lay language, the medical/psychiatric problem or reason for the evaluation; the relative seriousness of the case; the period of time within which the transfer should be effected; the type of transportation necessary; whether an attendant is required; if any medication or care is necessary while en route; and a statement that acceptance by the receiving CMO/Chief Psychiatrist has been obtained.

**62080.15.3 CSR Review**

The responsibility for locating treatment or specialist resources shall rest with the medical/psychiatric department and not with the CSR. Such transfers shall usually be approved unless there is an extremely serious overriding reason, in which case the CSR shall consult with the referring CMO or psychiatrist. If after the consultation the CSR determines the endorsement inappropriate, the case shall be discussed with the Chief, CSU, who shall consult with the Assistant Deputy Director, Health Services, to develop a transfer plan.

Inmates transferred for medical/psychiatric reasons may be admitted directly to the hospital, if necessary, pending an evaluation by a physician/psychiatrist.

**62080.15.4 C&PR Review**

When the medical procedures are completed for "medical and return" cases, the C&PR shall be notified. The C&PR shall review the case to ascertain if any medical, custodial or program considerations contraindicate the inmate's return to the sending institution. If there are contraindications, or an alternate program/institution is deemed preferable, the C&PR shall refer the case to a classification committee. If no contraindications exist, the C&PR shall refer the case to the institution's CCRM for return to the sending institution.

**62080.16 Medical and Psychiatric Placement**

For placements in a medical or psychiatric program, the following additional procedure is required:

- The CDC Form 128-C shall indicate that the inmate meets the criteria established for the program, as indicated above, and note the name of the accepting physician.

**62080.16.1 Criteria**

There are no referrals or waiting lists for transfers to the Inpatient Psychiatric Observation, Unclassified, Category "I," as transfers are to be accomplished within 72 hours.

The medical/psychiatric category designation shall be assigned at the time the inmate is approved for the program.

Clinical progress reports on a CDC Form 128-C shall be made quarterly, but may be completed more frequently if conditions warrant. A summary CDC Form 128-C report, a classification action, and CSR endorsement are required whenever an inmate is changed from a program category.

The C&PR is delegated the authority to act as a CSR for program changes between Categories "I" and "J", "J" and "H", and "N" and "O".

**62080.16.2 Enemy Identification Prior to Transfer**

Prior to all medical/psychiatric transfers, the C&PR of the sending institution shall notify the receiving institution's C&PR by telephone if the inmate has enemies at the receiving institution, so proper precautions may be taken. If the enemy situation precludes the transfer, the sending institution shall make an alternate institutional transfer arrangement to facilitate the inmate's needs.

**62080.17 Emergency Medical Transfers**

Upon acceptance of an emergency case by the CMO of the receiving institution and completion of transportation arrangements, the C&PR at the receiving institution shall contact the CSU for FAX transfer approval.

**62080.17.1 Ambulance Service**

The CDC air and land ambulance service shall be administered by CMF. Personnel assigned to the ambulance operation shall be familiar with the

policies and procedures governing the transportation of inmates and the necessary procedures governing medical and psychiatric patients.

**62080.17.2 Ambulance Use**

The land or air ambulance shall be used only for cases in which the CMO/Psychiatrist of the sending institution has determined that such transportation is required. An MTA from CMF or the sending institution shall arrange to accompany the land or air ambulance. Requests for land or air ambulance use shall include information regarding custodial classification, degree of violence and any other useful information.

**62080.17.3 Medical Transporting of Parolees**

The land or air ambulance may also be used for transporting inmates to a parole placement or to return parolees to an institution when a medical/psychiatric statement is obtained indicating that this type of emergency transportation is medically/psychiatrically necessary.

The CMO at CMF shall schedule and route the air and land ambulance. Requests for ambulance use shall be directed to that office.

**62080.17.4 Emergency FAX Approval**

Upon approval and completion of transportation arrangements, the Associate Warden, Psychiatric Services, at CMF shall contact the CSU to request FAX transfer approval.

**61080.18 Involuntary Psychiatric Transfers**

Inmates involuntarily transferred to CMF for psychiatric treatment are entitled to a hearing regarding the transfer (Whitaker v. Rushen, No. C-81-3284 SAW). Upon arrival at CMF, such inmates shall be served with a Notice of Transfer to CMF. The notice explains the inmate's rights. The inmate may sign the notice waiving the rights or may request a hearing if opposed to the transfer. Inmates shall have this hearing at CMF.

**61080.18.1 Whitaker V. Rushen No. C-81-32-84 SAW**

The hearing shall be held within seven calendar days after arrival at CMF. If the hearing cannot be held within seven days, the inmate shall be informed in writing of that fact, the reason for the delay, and an estimated date by which he may expect the hearing. The inmate's counselor shall be assigned to assist the inmate in gathering evidence and interviewing witnesses and shall be present at the hearing. The hearing shall consist of a classification committee review of the case and shall include the following:

**Inmate Due Process**

- Determination that the inmate received written notice of the transfer to CMF stating that the inmate has a right to a hearing and that such hearings are normally held within seven days after arrival at CMF.
- The information relied upon in ordering the transfer to CMF shall be disclosed to the inmate. The inmate shall be heard in person and be permitted to present evidence, including witnesses, on his behalf.

One of the members of the classification committee shall be a psychiatrist employed by CDC. This person shall be an "independent decision maker" and shall not be the inmate's treating psychiatrist at either the sending or receiving institution.

Following the hearing, the independent decision-maker shall inform the inmate in writing of the committee's decision and the information relied upon in arriving at the decision (Whitaker v. Rushen).

The inmate may appeal the decision, using a CDC Form 602, Inmate/Parolee Appeal Form; within 30 days of receipt of the hearing documentation. A ruling on the appeal shall be returned within 20 working days.

**62080.19 Revisions**

The Assistant Deputy Director, Institution Operations, or designee shall ensure that the content of this section is current.

**62080.20 References**

CCR § 3379.

PC §§ 2684, 2690, 2962, 2911, 5058, 5054, 5068, 5080, 1170, and 11191.

Whitaker v. Rushen, No. C-81-32-84 SAW.

**ARTICLE 13 — BOARD OF PAROLE HEARINGS**

*Revised March 29, 2006*

**62090.1 Policy**

PC 3040 provides that the Board of Parole Hearings (BPH) shall have the power to allow prisoners imprisoned in the state prisons, to go upon parole, outside the prison walls and enclosures, pursuant to PC 1168(b).

**62090.2 Purpose**

This Section establishes standard procedure for conducting required BPH hearings and preparation of the institutional BPH evaluation reports.

### **62090.3 Importance of Board Hearings**

One of the most important times during incarceration for certain inmates and parole violators is their appearance before the BPH. All life sentence prisoners must appear before the BPH to be considered for parole. Those inmates sentenced under the Indeterminate Sentence Law (ISL) or sentenced prior to 1985 to a term of one year and one day appear before the Board that provides them an opportunity for parole consideration. Inmates sentenced to one year and one day for offenses occurring after January 1, 1985, do not appear before the BPH.

The BPH rules are set forth in CCR (15) (2) and in Administrative Directives issued by the BPH.

### **62090.4 Board Personnel**

The BPH is a policy making body of nine commissioners appointed by the Governor for a term of four years. Deputy Commissioners are civil service employees who assist the BPH in conducting hearings.

### **62090.5 Types of Board Hearings**

Life prisoner hearings:

- Documentation Hearing.
- Initial Parole Consideration Hearing.
- Subsequent Parole Consideration Hearing.
- Progress Hearing.
- Rescission Hearing.

Non-life Prisoner hearings [PC 1168(b)]:

- Parole Consideration Hearing.
- Rescission Hearing.
- Extended Term Hearing, [PC 1170.2(b)].
- Mentally Disordered Offender Hearing, (PC 2960-2962).

Parole violator Hearings:

- Revocation Hearing.
- Parole Revocation Extension Hearing.

#### **62090.5.1 Life Prisoner Hearings**

The following are the different types of hearings for life prisoners.

##### **62090.5.1.1 Documentation Hearing**

Inmates committed for first or second degree murders that occurred on or after November 8, 1978, and inmates committed pursuant to PC 667.51, 667.7, and 217.1 shall have a hearing prior to their minimum eligible parole date.

The Documentation Hearing is conducted by one Deputy Commissioner. The purpose of this hearing shall be to monitor and document the institutional adjustment of each life prisoner. The inmate's counselor shall complete a Life Prisoner Post-conviction Progress Report which covers the period of time from the inmate's reception into CDCR, or from the date the life term began, whichever is latter, to the hearing, if it is the first documentation hearing, or for the period from the last documentation hearing for which a Post-conviction Progress Report was prepared to the present hearing.

The first documentation hearing shall be scheduled during the 36th month after the life term starts. Subsequent documentation hearings shall be held at three-year intervals until the Initial Parole Consideration Hearing.

##### **62090.5.1.2 Initial Parole Consideration Hearing**

An Initial Parole Consideration Hearing is conducted by a panel of three, of which at least two are BPH Commissioners. This hearing may include an attorney representing the inmate, a DA representing the county in which the crime occurred, and the victim or next of kin representing a victim. The purpose is to consider the inmate's suitability for parole and, if suitable, establish a term. The hearing is scheduled 13 months before the inmate's Minimum Eligible Parole Date (MEPD). A Post-conviction Progress Report and a Life Prisoner Evaluation Report shall be completed by the inmate's counselor for use in the hearing.

##### **62090.5.1.3 Subsequent Parole Consideration Hearing(s)**

A Subsequent Parole Consideration Hearing is held for those inmates previously found unsuitable for parole and conducted for the same purpose and in the same manner as an Initial Hearing. As with the Initial Parole Consideration Hearing, the Subsequent Hearing is conducted by a panel of three, at least two of which are BPH Commissioners. It is scheduled one to three years after the hearing in which an inmate was found unsuitable for parole. An abbreviated Life Prisoner Evaluation Report shall be prepared for this hearing if the most recent previous hearing was conducted with the use of a complete Life Prisoner Evaluation Report. Abbreviated Evaluation Reports are not to be used in consecutive hearings. An updated Post-

conviction Progress Report covering factors since the last Board appearance shall also be prepared.

#### **62090.5.1.4 Progress Hearing**

A Progress Hearing is held for life prisoners with parole dates to consider their institutional adjustment since the previous hearing. This hearing is conducted by a panel of three, at least two of which are BPH Commissioners. The purpose is to grant post-conviction credit. A Post-conviction Progress Report covering factors since the last Board appearance shall be prepared. Psychiatric evaluations are not prepared for Progress Hearings unless requested by the BPH.

#### **62090.5.1.5 Rescission Hearing**

A Rescission Hearing is held to consider if there is good cause to rescind or postpone a life prisoner's parole date for disciplinary, psychiatric or other specific reasons. No Board report is required.

#### **62090.5.2 Non-Life Prisoner Hearing**

The following are the different types of Non-Life Prisoner Hearings.

##### **ISL Parole Consideration Hearing**

An Indeterminate Sentence Law (ISL) Parole Consideration Hearing is held for certain inmates who committed crimes prior to July 1977 and had Determinate Sentence Law (DSL) dates retro calculated. The purpose of this hearing is to provide these inmates with an opportunity to be considered for release under the ISL that may result in a lesser term than the DSL provides. It is scheduled a month before the inmate's MEPD and annually thereafter for inmates denied a parole date in the previous hearing.

##### **PC 1168(b) Hearing**

A PC 1168(b) Hearing is scheduled within 60 days after reception of inmates sentenced to a term not exceeding one year and one day under the ISL or under the same provision in the DSL. The purpose of this hearing is to set a term within the one year and one day range. No Board report is required if the inmate's hearing is within four months of reception.

##### **ISL Rescission Hearing**

A Rescission Hearing is held to consider if good cause exists to rescind an ISL parole date for disciplinary, psychiatric, or other reasons. No Board report is required.

##### **Extended Term Hearing**

An Extended Term Hearing is held to consider an extension of the DSL retro calculated term in selected ISL cases. This hearing is scheduled within 120 days after the inmate's reception by the Department or after receipt of an amended Abstract of Judgment. The decision to schedule a hearing is made by the BPH. Such hearing is conducted by a panel of three; at least two of which are commissioners. No Board report is required.

##### **Mentally Disordered Offender Hearings**

A Mentally Disordered Offender Hearing is held to determine if good cause exists to require that an inmate be subject to mandatory in-patient treatment while on parole. PC 2962 and BPH 2570 et seq. identify the criteria leading to such consideration and the process governing such placement. This hearing is conducted by a panel of two Deputy Commissioners. No counselor generated Board reports are required.

#### **62090.5.3 Parole Violator Hearing**

A Parole Violator Hearing is held to consider if good cause exists to revoke a parolee's parole and return them to custody. These hearings are held at the local jail or at a parole violator processing facility within 45 days of arrest. Some parolees may be returned to prison before the hearing, as in the case of parolees with a severe mental illness, persons in overcrowded local facilities, or out-of-state absconders. Only the parole violation report and supporting documents are necessary.

##### **62090.5.3.1 Parole Revocation Extension Hearing**

A Parole Revocation Extension Hearing may be held to consider if good cause exists to extend the parole revocation period of a prisoner for in-custody misconduct. No counselor generated Board report is required. Charging document and supporting reports must be presented.

#### **62090.6.1 Hearing Room**

Hearing rooms shall give the appearance of dignity and decorum. When not scheduled for Board hearings, the rooms shall only be used for purposes that will maintain their hearing room value, such as, conferences, oral interviews, or classification committee meetings.

At hearings, necessary supplies such as paper tablets, sharpened pencils, proper forms, a copy of the current Penal Code and BPH Rules, a listing of the institution's available programs and cold drinking water shall be provided. All tape recording equipment shall be checked to ensure good working condition during the hearing.

**62090.6.2 Scheduling**

Inmates shall be scheduled in a timely manner. The Board shall be informed in advance of any changes in the schedule.

**62090.6.3 Case Files**

All case files shall be complete and consistent, including hearing packets for panel members and attorneys. All case files of life prisoners to appear during the week shall be available.

**62090.6.4 Board of Parole Hearings**

Scheduled attendees, observers, and victims and victims' next of kin may attend individual case hearings if prior permission has been obtained from any person assigned to the subject hearing panel, the chairman, or the executive officer, BPH. Visitors and observers may not participate in the hearing except as permitted by law.

**BPH Notification to Facility**

BPH staff shall advise the Classification and Parole Representative (C&PR) of the institution to be visited of any BPH authorized attendees for any specific date. The C&PR shall provide a written notice to the visitor entrance gate of any anticipated victims, next of kin, victim representatives, and authorized visitors to the BPH hearings.

**62090.6.4.1 Victim, Next of Kin, or Victim Representative**

CDCR staff shall treat victims, next of kin, and their representatives attending BPH hearings with dignity and respect, and ensure their experience entering an institution is as accommodating as possible while maintaining the safety and security of persons and the institution. Victims, next of kin, and their representatives shall be notified of the BPH at least 30 days prior to the hearing.

Once the appearance of a victim, next of kin and their representative has been arranged, the Office of Victim and Survivor Services (OVSS) will provide attendees' names, addresses, and telephone numbers to the C&PR at the institution or facility where the hearing is to be held. The OVSS also will provide attendees with a BPH handbook.

No recording device or camera equipment is allowed. The institution/facility shall provide an escort for victims, next of kin, and/or victim representatives at all times while they are in the facility's security area.

**62090.6.4.2 Victim Service Representative**

Each Warden of an institution where BPH parole eligibility hearings are held will ensure that the institution's C&PR is specifically assigned as the Victim Service Representative (VSR). The VSR shall be responsible for ensuring the duties and functions described below are completed by designated staff. The Assistant C&PR shall be assigned as the back-up VSR to ensure sufficient continuity of services. Procedures established within DOM Sections 62090.6.4.1 through 62090.6.4.7 shall pertain only to Victims, a Victims Next of Kin, or a Victim Representative, for the purpose of attendance at Lifer Parole Eligibility Hearings only.

The Warden shall ensure there is an operational procedure for the VSR position. The VSR or designee shall be responsible for the following:

- Making contact with attendees and answering any questions they may have.
- Explaining the BPH process, security screening procedures, required identification documents, and ensuring they received a copy of the BPH Hearing Handbook.
- Provide information to the attendee regarding appropriate attire to be worn into the facility. Appropriate attire shall conform to Title 15, CCR Section 3174 (a)(2) and (b)(1)(2)(3)(4).
- Asking attendees if they have any special needs such as medications, assistive devices or special foods or juice they will need to keep with them in the institution.
- Suggesting that attendees with medical implants containing metal bring available medical documentation/certification from a clinician identifying the location and type of any medical implant in order to expedite the screening process.
- Providing attendees with directions to the institution if necessary.
- Informing attendees that the VSR or designee will be awaiting their arrival.
- Ensuring all necessary paperwork to process the attendees into the institution has been completed and received.
- Asking attendees if they have documents or information they will be bringing to the hearing.
- Escort attendees to a waiting room near the BPH hearing area that is separate and apart from the inmate, his or her attorney, and any other

attendees whose presence may be upsetting to the victim, next of kin, or their representatives.

- Ensuring the waiting room is supplied with at least tissue, water, note pads, and ink pens or pencils.
- Be present at the gate at least 10 minutes prior to the arrival time of the attendees in order to greet them and to assist with processing them into the institution.
- Ensuring the hearing room has appropriate accommodations.
- Remain with the attendees until the hearing begins and throughout the hearing. Attendees may, if desired, be escorted to a private area after the hearing and be given an opportunity to express their views about the hearing.
- Escorts attendees back to the entrance building after the hearing and processes them out of the facility.

**62090.6.4.3 BPH Hearing Attendee Screening**

*Revised September 25, 2007*

The following BPH attendee screening process is intended to ensure the safety of all persons entering CDCR institutions. The policy is based on standards and protocols employed by the United States Transportation Safety Administration.

Except as provided in this Article, victims, next of kin, and their representatives attending BPH hearings are required to successfully pass through a metal detector or alternate screening process as described below as a condition of entering an institution where a hearing is to be held. Attendees should avoid wearing clothing items that contain metal as these items will set off the metal detectors. Attendees are to remove coats, jackets, and items that may set off the metal detector before attempting to pass through the metal detector. Attendees who do not successfully pass through the metal detector will be subject to additional screening and may be denied entrance into the facility.

In the event an attendee is unable to successfully pass through the metal detector, CDCR custody staff shall use a hand held metal detection wand for a more localized search to identify the area(s) causing the alert.

If through the use of the hand held wand, custody staff can localize/isolate the area(s) which is causing the alert, a pat down of the area(s) will be conducted to determine the cause of the alert before being permitted into the institution.

Attendees who do not want to go through the metal detector or hand held wand screening may request a pat down search as an alternative.

Pat-down searches may also be required of attendees based on visual observations by custody staff, even if an audible alarm has not gone off.

Custody staff are required to communicate their actions to attendees prior to using hand-wands or conducting pat-down searches.

Custody staff are to use the back of the hand when patting-down sensitive body areas, which include the breasts (females only), genitals, and buttocks. For non-sensitive areas, including other parts of the torso, custody staff are required to use the front of the hand. An attendee has the option to request a private screening location.

Custody staff of the same gender as the attendee will conduct pat-down searches. An additional custody staff of the same gender as the attendee shall be present-when-ever a-pat-down search is conducted.

A companion, assistant, or family member as defined in Section 3000 of the Title 15 may accompany attendees with disabilities or medical conditions and assist them during a private or public screening. After providing this assistance, the companion, assistant, or family member will need to be re-screened. An attendee may ask for a chair if he or she needs to sit down during the screening process. Attendees should be required to raise their arms out during an inspection only as far as they indicate they can. Attendees who refuse appropriate screening will not be permitted into the institution and will be unable to attend the BPH hearing.

Whenever there is an alarm in the area of a dressing or bandage, custody staff will conduct a gentle limited pat-down of the dressing or bandage area over top of the attendee's clothing. In the event custody staff is not able to determine that a dressing or bandage is free of prohibited items via a pat-down, the attendee may be asked to lift the specific clothing item covering the bandage to effect a visual search, i.e., lift pant leg or sleeve to expose the bandaged area prior to being permitted into the institution.

Custody staff will not ask to, nor will they remove a dressing or bandage during the screening process. However, if custody staff is still unable to determine that the bandage is free of prohibited items after the pat down and visual inspection, the attendee will be denied access to the institution and will be unable to attend the BPH hearing.

**62090.6.4.4 BPH Attendees with Disabilities and Medical Conditions**

Attendees with disabilities and medical conditions may present medical documentation regarding their medical condition or disability to custody staff to help inform him or her of their situation and facilitate the screening process. This documentation is not required and will not exempt the attendee from the security screening process.

Attendees should advise custody staff of an implanted pacemaker, other implanted medical device, or metal implant and where that implant is located. Attendees who have a pacemaker should (but are not required to) carry a Pacemaker Identification Card when going through security screening and shall be screened with a full body pat-down search instead of walking through the metal detector or being screened with a hand-wand.

If an attendee states that he or she should not go through the metal detector or be screened with a hand-wand because it could affect the functionality of their implanted medical device or the magnetic calibration of their implanted medical device, custody staff shall conduct a full body pat-down search prior to the attendee being permitted to enter the institution.

**Prostheses, Assistive Devices, and Mobility Aids**

Custody staff are to visually and physically inspect prosthetic devices, assistive devices, mobility aids, casts or support braces as part of the screening process. Custody staff will not ask nor require removal of prosthetic device(s), casts, orthopedic shoes or support braces. Attendees may be asked to lift specific clothing to effect a visual inspection of the prosthesis or support brace, i.e., lift pant leg or sleeve to expose the prosthetic device.

Attendees will not be required to remove medical devices, such as an insulin pump, feeding tube, ostomy or urine bag at any time during the screening process. Attendees are to advise screeners if they have an ostomy or urine bag. Attendees are not required to expose these devices for inspection unless the hand held metal detection device is set off, at which point a visual and physical inspection (pat-down of the area, over top of clothing) will be conducted to ensure there are no prohibited items being concealed in the area.

Attendees who require use of a wheelchair shall not be required to pass through the metal detector nor be asked to transfer to another wheelchair for screening purposes. Custody staff shall affect a visual and physical inspection of their wheelchair. Custody staff shall then use a hand held wand to search the attendee.

Augmentation devices attached to wheelchairs are permitted through the screening process once they have undergone visual and physical inspection.

The following medical and disability-related assistive devices needed by attendees during the BPH process are permitted into the institution; however, they are subject to inspection and search. The assistive devices will be itemized on CDC Form 1000. Smaller items, such as necessary medications, scissors, and syringes shall be placed in a container provided by the institution and carried into the institution/hearing. The contents of the container will be accounted for via the CDC Form 1000 upon exiting the facility. All other items that are not needed during the hearing will be either left in the entrance building in a locker or returned to the attendees' vehicle:

- Wheelchairs, scooters, crutches, casts, canes, walkers, prosthetic devices, support braces, exterior medical devices.
- Orthopedic shoes and appliances, augmentation devices, Braille note takers, slate and stylus.
- Ostomy-related supplies such as positioning plates (wafers), collection pouches and scissors (blunt tipped.)
- Service animals such as dog guides, assistance, hearing and seizure alert dogs, monkey helpers.
- Supplemental personal medical oxygen containers/systems and other respiratory-related equipment and devices.
- All diabetes related equipment and supplies, including:
  - Insulin and insulin loaded dispensing products (vials, jet injectors, pens, infusers, and preloaded syringes).
  - Unused syringes when accompanied by insulin or other injectable medication.
  - Lancets, blood glucose meters, blood glucose meter test strips, alcohol swabs, meter-testing solutions.
  - Insulin pump and insulin pump supplies (cleaning agents, batteries, plastic tubing, infusion kit, catheter, and needle).
  - Glucagon emergency kit.
  - Urine ketone test strips.

- Sharps disposal containers or similar hard-surface disposal container for storing used syringes and test strips.
- All types and forms of medication, dispensers, and related supplies necessary for the attendee during the BPH process.

All medications, including insulin, in any form or dispenser must be clearly identified. Attendees who are concerned about going through the walk-through metal detector with their insulin pump may request a full-body pat-down search and a physical inspection of their pump instead. Insulin pumps and supplies must be accompanied by insulin.

**Hearing and Visual Disabilities**

Attendees are not required to remove hearing aids or the exterior component of a cochlear implant during the screening process. Exterior components of a cochlear implant are to be visually and physically inspected while it remains on the attendee's body.

Custody staff are to explain the security process to persons with visual disabilities and verbally communicate with them throughout each step of the screening process. Screeners are to provide persons with visual disabilities with assistance by providing them with an arm, hand, or shoulder as they move through the process. White collapsible canes are to be physically inspected after attendees have passed through the walk-through metal detector so that attendees can guide themselves through the walk-through metal detector. Equipment such as Braille note-takers are to be physically inspected.

**Medical Oxygen and Respiratory-Related Equipment**

Supplemental personal medical oxygen and other respiratory-related equipment and devices (e.g. nebulizer, respirator) are permitted through the screening process once they have undergone screening. All respiratory equipment and oxygen will be visually and physically inspected. Attendees are not required to disconnect from their oxygen or respiratory device.

**Service Animals**

Attendees using an animal for assistance should carry appropriate identification. Identification may include: cards or documentation, presence of a harness or markings on the harness, or other credible assurance of the attendee using the animal for their disability. At no time during the screening process will attendees be required to be separated from their service animal. Custody staff will not touch service animals. Attendees are required to maintain control of the animal in a manner that ensures the animal cannot harm the screener. Attendees are to advise the screener how they and their animal can best achieve screening when going through the metal detector as a team (i.e., walking together or with the service animal walking in front of or behind the attendee). If the walk-through metal detector alarms in the situation where the attendee and the animal have walked together, both the attendee and the animal must undergo additional screening. If the walk-through metal detector alarms on either the attendee or the animal individually (because they walked through separately), additional screening must be conducted on whoever alarmed the walk-through metal detector. If the animal alarms the walk-through metal detector, custody staff will ask the attendee or companion to remove the animal's collar, harness, leash, backpack, vest, etc., for staff inspection prior to being permitted into the institution.

**62090.6.4.6 Religious or Cultural Items**

Attendees are permitted to wear their head covering including those who wish to keep their faces covered during the screening process. If the attendee cannot successfully pass through the metal detector, the attendee will be re-screened using hand-wands and a pat-down search as described above. The only exception to this policy is if the alarm is still unresolved, the attendee may request the opportunity to remove the head covering in a private screening area before custody staff of the same gender to clear security.

Religious, cultural, or ceremonial items that pose a risk to the safety of staff or the security of institutions, such as religious knives, swords, etc., are not permitted inside the institution.

**62090.6.4.7 Identification and Additional Materials**

In accordance with Title 15, CCR Section 3173, and Department Operational Manual (DOM) Proof of Identity, all adults attending BPH hearings shall present acceptable government-issued identification.

Victims, next of kin, and/or their representatives attending a BPH hearing are permitted to bring the following personal items with them to the hearing, in addition to the items allowed pursuant to this Article and for visitors in general pursuant to DOM Section 54020.15:

- Food items such as whole fruit, a sealed candy bar or sealed granola bar, upon inspection and approval;
- Writing materials, documents, and a book, upon inspection and approval.

**62090.6.5 Media/Television Coverage of BPH Hearings**

CCR (15) (2) 2031 covers media representation at hearings, and CCR (15) (2) 2032 covers television and radio coverage of BPH hearings. No television coverage shall occur without approval of the Warden.

BPH staff shall coordinate these activities with the affected institution's Warden. The PIO shall provide written notice to the entrance building of authorized media, TV and radio personnel as well as any approved equipment.

Media personnel shall be escorted to and from the BPH hearings by custodial staff.

**62090.6.6 Custodial Coverage of BPH Hearings**

BPH hearings shall be provided custodial coverage. One officer shall be assigned to BPH coverage for the duration of the scheduled hearings. When security needs require additional staff, determined by the Warden or their designate, they shall be assigned.

- Custodial staff assigned to BPH coverage shall wear Class A uniforms.
- Custodial staff providing BPH coverage shall carry handcuffs, handcuff key, and a personal alarm device and have immediate access to a set of waist chains. Other necessary equipment may be utilized if approved by the Warden.

**Duties of Coverage Officer**

The assigned officer shall secure safety equipment and report to the BPH hearing area in sufficient time to:

- Perform a security inspection of the board room(s) and adjacent areas.
- Process the first scheduled inmate into the board waiting area at least 15 minutes prior to the starting time of the hearing.

Only inmates scheduled for BPH hearings shall be allowed in the boardrooms or affected areas.

- Each inmate shall remain under the direct supervision of custodial staff. The BPH coverage officer shall be physically present in the hearing room unless specifically directed otherwise by BPH commissioners.
- Each inmate shall be given a clothed body search each time the inmate enters or departs the BPH hearing room.
- Inmates may bring into the BPH area or hearing room only material absolutely essential to their hearing. This material shall be inspected (not read) each time the inmate enters or departs the hearing room.

When security requirements dictate special security precautions, the BPH commissioners shall be advised prior to the hearing.

**62090.6.7 BPH Parking Areas**

BPH staff shall be provided designated parking spaces in the employee parking lot. On scheduled BPH hearing days, institution staff shall ensure that the designated spaces are available to BPH staff.

**62090.6.8 BPH Staff Processing Into Facility**

BPH staff shall be processed through the facility staff entrance building in the same procedure used for institution staff.

- Personal effects shall not be searched, however, briefcases, etc., shall be inspected.
- Positive identification is required.
- BPH staff shall sign the visitor register upon entering and leaving the institution.
- Escorts for BPH staff are not required.

**62090.7 C&PR**

Each institution's C&PR office is responsible for the preparation, coordination and follow-up for all Board hearings and related matters.

The C&PRs shall schedule their time during Board hearings to ensure full availability to meet Board needs.

When the Board recommends that an inmate be involved in vocational, educational, other upgrading programs, or that an inmate be transferred to another institution for diagnosis and/or evaluation for treatment, the C&PR shall follow-up as required.

**62090.8 Institutional Board Reports and Preparations**

Institutional Board reports are the responsibility of Correctional Counselors utilizing the formats described in this section. Board reports shall be completed in a thorough, concise and timely manner. Counselors may attend Board hearings as a learning process or if requested by an inmate, but are not expected to attend all hearings.

Non-Correctional Counselor staff may prepare reports under the close guidance of a supervising counselor. The completed Board report shall be signed by the non-Correctional Counselor employee and countersigned by

the counselor or captain overseeing the work after the administrator has reviewed the report to ensure its validity and completeness.

Before preparing a summary evaluation for the Board, the entire C-File and other pertinent files, such as the medical or psychiatric file, shall be reviewed. Any erroneous data shall be corrected. Source documents required by the Board or considered important for the Board's attention shall be removed, reviewed, have important content underlined, and be routed with the Board report to the C&PR.

**62090.9 Inmate Copy of Board Reports**

Prior to a scheduled appearance, the inmate shall be given a copy of all non-confidential portions of any report prepared for the Board.

Inmates shall be afforded an opportunity to discuss any aspect of the report they question with the counselor. If an issue is not resolved, it shall be clearly identified and efforts made to resolve it shall be noted. Such differences shall be documented in an addendum report to the Board, a copy of which shall also be sent to the inmate. The inmate may also prepare a statement regarding their disagreement with the report that shall become part of the material presented to the Board.

**62090.10 Use of Reports**

A Post-conviction Progress Report shall be utilized for Documentation, Initial, Subsequent, and Progress Hearings.

A Life Prisoner Evaluation Report shall be utilized for Initial and alternate Subsequent Hearings. Abbreviated Life Prisoner Evaluation Reports will be used for alternate Subsequent Parole Consideration Hearings.

For non-life ISL prisoner hearings, the old format BPH Hearing Report shall be used.

**62090.11 Life Prisoners Two-Part Format**

For all Life Parole Consideration hearings, a two-part format shall be used.

**62090.11.1 Post-Conviction Progress Report**

A simple year-by-year outline of the inmate's adjustment shall be prepared to reflect 12-month increments (i.e., 6/79 to 6/80 or 5/80 to 5/81) covering the period from the date term began or from the date of reception, whichever is latter to the present. Post-conviction Progress reports prepared for Subsequent Hearings will reflect behavior in 12-month increments covering the period of time since the most recent post-convictions progress report was prepared. It shall include prison placement, custody level (explain reason for any increased custody or specialized housing such as MAX, PHU, and SHU), work/training/program assignments, grades achieved, disciplinary violations, adverse or laudatory chronos, and any other significant events. Ensure that dates are noted, including the beginning and ending dates of programs.

Telegraphic writing style shall be used, as the emphasis is upon brevity, accuracy and clarity. Any previous hearing reports shall be retained, compiled and reused so that only a brief report to update the inmate's adjustment since the last report is necessary.

**62090.11.2 Life Prisoner Evaluation Report**

A comprehensive evaluation of the life prisoner's past pattern of criminal behavior and changes while in prison shall be prepared for Parole Consideration Hearings. The report is divided into commitment factors, pre-conviction factors, post-conviction factors, and parole plans.

A thorough study of the C-file, staff observations and an interview with the inmate shall be accomplished to complete the report.

The report's format provides a comprehensive evaluation for the Initial Parole Consideration Hearing and shall be retained for use at all Subsequent Parole Consideration Hearings.

**62090.11.2.1 Extenuating Factors**

The following shall be judiciously considered and incorporated within the report when completing life prisoner evaluation reports.

**62090.11.2.1.1 Aggravating Circumstances**

- The crime involved some factors described in BPH Rule 2403(b) or (c), as appropriate, in a category higher on either axis than the categories chosen as most closely related to the crime.
- The victim was particularly vulnerable due to age, physical or mental condition.
- The inmate occupied a position of leadership or dominance over other participants in commission of the crime, or they induced others to participate.
- The inmate had a history of criminal behavior for which the term is not being enhanced under BPH Rule 2286.
- During the commission of the crime the inmate had a clear opportunity to cease but instead continued.

- The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which they are currently committed.
- The inmate had a special relationship of trust with the victim, such as that of employee-employer.
- The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime.
- The inmate was on probation, parole, in custody or had escaped from custody at the time the crime was committed.
- Specific circumstances in aggravation of first degree murder (PC 187):
  - The murder was wanton and apparently senseless in that it was committed after another crime occurred and served no purpose in completing that crime.
  - The corpse was abused, mutilated or defiled.
  - The inmate went to great length to hide the body or avoid detection.
  - The murder was committed to prevent the testimony of potential or actual witnesses at a trial or investigation.
  - The murder was committed to prevent discovery of another crime.
  - The murder was committed by a destructive device or explosive.
  - There were multiple victims for which the term is not being enhanced under BPH Rule 2286.
- Specific circumstances in aggravation of kidnapping for robbery or ransom (PC 209).
  - The incident involved multiple victims.
  - The property/ransom which the inmate had taken or attempted to take was valued at \$25,000 or more.
  - The kidnapping posed a threat to the public order, such as where the victim was a public official.

#### 62090.11.2.1.2 Mitigating Circumstances

The crime involved some factors described in the approximate matrix in a category lower on either axis than the categories chosen as most closely related to the crime.

- The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense.
- The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission.
- The inmate tried to help the victim, sought aid after the commission of the crime or tried to dissuade a crime partner from committing other offenses.
- The inmate has a minimal or no history of criminal behavior.
- The inmate was a passive participant or played a minor role in the commission of the crime.
- The crime was committed during or due to an unusual situation unlikely to recur.
- The crime was committed during a brief period of extreme mental or emotional trauma.

#### 62090.11.3 Non-Life Prisoner Evaluation Format

The format described below shall be used for non-life prisoner hearings.

Purpose of hearing. Specify in capital letters the type of hearing:

- ISL INITIAL PAROLE HEARING.
- ISL SUBSEQUENT PAROLE HEARING.

##### Custody

Institutional history. Reflect past and present custodies, and their duration in months. Explain the reason for any increased custody specialized housing such as SHUs or PHUs.

##### Transfers

Summarize any transfers during the reported period or since the inmate's reception, recording the most recent transfers first and indicating the reason for the transfers.

##### Program Record

Program record. (Omit sections that are not applicable.)

- Academic education. State the education level at reception. Evaluate ability to learn (IQ), and chronologically summarize academic achievements and motivation, as reported by the Education Department, since the inmate's reception.

- Vocational instruction. Chronologically summarize all past and current training being received and achievements. Note past and anticipated dates of completion. If terminated without completing a course, summarize the reasons.
- Work. Chronologically list all past and current work assignments, noting duration and work habits. Evaluate their total work pattern.
- Self-help programs. Chronologically list participation in group activities for the period of time addressed in the report, such as group counseling, Alcoholics Anonymous and/or Narcotics Anonymous. This section should also include athletic participation, hobby, Inmate Advisory Council or any inmate documentable activity.
- Programs recommended by BPH. Chronologically list the program categories recommended and the degree of participation or reasons for noncompliance. List the current participation first.

##### Inmate Resources

*September 25, 2007*

Inmate resources and plans for release.

- Marital status/child support. Summarize present family situation such as married, a registered domestic partner, single, common-law, or divorced. Report status of any marriage intent or returning to a marriage upon release. List obligations to pay family support in dollar amount, name of county and address of agency to receive payments.
- Employment. List job offers if the inmate has job commitments. Include employment address, phone number, type of work and proposed salary. If there are no job offers, the inmate's desires shall be noted. Indicate the relationship between the inmate's intent for employment and institutional work and vocational training.
- Other community resources. Indicate prior union membership, status of driving privileges, if driver's license is valid, and special employment needs, such as tools or clothes.
- Residence. List current county of commitment resources. Indicate name, address, and location of prospective residence upon release. If placement is to be with relatives or friends, review significant attitudes and reasons for this placement. List all phone numbers, directions to the address if in a rural area or a P.O. Box number. Indicate if the inmate will need assistance from the Parole Agent and note any financial resources the inmate may have to aid this placement.
- Alternative County of Parole. If inmate has alternative to county of commitment plans, list them in order of residence, with whom and relationship, any job offers, special needs to complete parole.

##### Counselor Evaluation

Counselor evaluation. (Analysis and professional judgment.)

- Attitude toward offense. Outline the commitment offense and the inmate's present attitude towards it. Note if the inmate's attitude is the same as when received or if it has changed. The inmate shall not be required to admit guilt or discuss factors if they choose not to.
- Institutional adjustment. Describe the inmate's overall behavior pattern in prison, effects of prison on their personality, and their rapport with staff and peers. Describe significant medical or emotional problems and treatment.
- Prognosis. Indicate if the inmate understands or foresees any problems they will face and if the inmate's release plans are realistic. Note if the inmate has developed social skills to cope with the stresses of society. Advise the Parole Agent of problem areas and positive traits. Provide a balanced opinion of readiness for release, being careful not to make a recommendation.
- Technical data. Indicate any holds or notices (agency and reasons). Current status of crime partner, including last Board action on crime partner if presently incarcerated. If enemy or gang affiliation exists, refer to the confidential folder if appropriate. Include any other significant information not covered above.
- Addenda. A chronological list of disciplinary reports shall be compiled and attached to the report. If a disciplinary violation occurs a day to two before the Board hearing, custodial staff shall provide the records office with a brief statement of the incident and an estimate of when the disciplinary process shall be completed.

#### 62090.12 ISL Prisoner Progress Hearing

Progress Hearings are held to determine if a previously set parole date should be advanced because of the inmate's conduct. Parole dates may be advanced, but cannot be extended without a separate rescission hearing.

The Post-conviction Progress Hearing Report shall cover institutional history only from the date of the last Board hearing. Each progress report shall be a supplement to the report for the hearing in which parole was granted.

The Parole Consideration Hearing Report that was prepared for the hearing at which parole was granted and all progress reports shall become part of the permanent case summary.

### **62090.13 Psychiatric Evaluations Life Prisoners**

The BPH requires a full psychiatric evaluation of life prisoners for all first Documentation, Initial and Subsequent Parole Consideration Hearings. An evaluation is also required for any Rescission Hearing based on psychiatric problems or assaulting/sexual behavior. Inmates shall be retained on psychiatric referral status unless specifically removed by a BPH panel.

Cases recommended to category X [explained in DOM 62080] shall be calendared to appear no sooner than in one year unless the panel specifically instructs that the inmate be calendared upon completion of the evaluation. Those inmates who refuse to participate in a BPH ordered evaluation shall be retained on psychiatric referral status and calendared on the scheduled calendar.

Psychiatric Evaluation Reports shall be completed and distributed to the inmate, the inmate's attorney and the DA at least 15 days before the hearing.

#### **62090.13.1 Psychiatric Report Preparation**

Brevity with accuracy and clarity is the standard for this report. A more detailed evaluation may be written and attached as an addendum to the report if the psychiatrist/psychologist determines it necessary.

Lay terminology and explanations of technical terms and diagnoses shall be used where possible. These reports become part of a legal record that may be used by many laymen, including the inmate. Accordingly, the report should not contain psychodynamic speculations or other material that may be easily misinterpreted. Information of value to the psychiatrist shall be explained in laymen's terms to avoid misunderstandings.

Detailed repetition of information that is available elsewhere in the inmate's C-File shall be avoided.

Previous psychiatric reports shall be retained in the case summary for reference. If the previous report is virtually the same as the current one, do not rewrite the entire report. Indicate that the case has been reviewed, there is no significant psychiatric change, and the previous report is still accurate.

After the report has been written, any new developments in the case shall be reported on CDC Form 128-C, Medical - Psychiatric - Dental chrono, and sent to the C&PR for inclusion with the psychiatric evaluation.

#### **62090.13.2 Psychiatric Report Format**

Indicate in the first paragraph if this is the first, second, etc., report to the Board on this inmate, or if it is an addendum (less than nine months since the last evaluation).

Indicate in the second paragraph the frequency of contact with the inmate, such as if they are under treatment and how long, or if it is a single contact for this report only. For the first report only, note any pertinent previous psychiatric history with a short digest of essential conclusions and treatment. Briefly summarize the inmate's current development and progress, avoiding repetition of information available elsewhere in the inmate's C-File or in previous evaluations.

Briefly delineate, in the third paragraph, the present psychopathology supporting the diagnosis and prognosis which follow. Any previously reported psychiatric conclusion(s) shall be re-evaluated. Causative factors, self-understanding, attitudes, motivation for change, emotional stability, social identification, sincerity, and rehabilitation shall be commented on. A neurophysiological appraisal must be included if organicity is present. If drugs are being used for treatment, include the observed impact on the inmate's current condition.

The fourth paragraph shall indicate the psychiatric diagnosis(es) using standard nomenclature followed by lay term explanation, as necessary.

#### **Psychiatric Conclusions**

The fifth paragraph shall include the evaluator's best estimate of the inmate, based on psychiatric reasoning (not legal or administrative) in the following manner:

- Be sure to note the reasons wherever possible.
- Note the relationship of the diagnosed psychopathology to the criminal behavior.

#### **General Conclusions**

During observation in the institution, the inmate has:

- Psychiatrically improved slightly, moderately, or greatly.
- Psychiatrically deteriorated slightly, moderately, or greatly.

- Psychiatrically has shown no significant change.

No conclusions can be drawn because of insufficient time and observation by the reporter.

In a less controlled setting, such as return to the community, the inmate is:

- Considered likely to continue improvement.
- Considered likely to hold present gains.
- Considered in all probability to deteriorate because of (list reasons).

In all cases of pedophilia and some other cases of unusually specific or direct relationship between psychopathology and crime, add the following:

- Considered mentally (un)able to refrain from repetition of their offensive behavior.

#### **Suggested Actions**

(Include only if applicable.) From a psychiatric standpoint, the inmate should:

- Be continued in present rehabilitation program as continued benefit is likely. Note the recommended specific treatment prescription.
- Be removed from special calendar because psychopathology is not significantly related to future criminal behavior and psychiatric opinion will not contribute to release decision.

When two or more favorable psychiatric reports with similar conclusions for release have been written, in the case of more difficult judgments, these reports must have been written by more than one examiner or reviewed by a psychiatric council.

When there have been repeated unfavorable psychiatric reports describing a stable mental condition which cannot be expected to change, the conditions under which parole would be possible or become possible must be spelled out. For example, in some cases, parole might be possible only to a supervised domicile program including psychiatric care. In recommending removal from psychiatric calendar because of repeated unfavorable reports, it must be recognized that release is prohibited and therefore, those changes that would make release possible should be indicated so that the Board will request re-evaluation when such changes do occur.

When the inmate should be considered for transfer to DMH under PC 2684 or DMH inpatient/day treatment at CMF, and it is anticipated that such treatment may result in the inmate being able to return to society; DMH, (if it accepts the transfer) will retain such inmates only as long as it is of benefit to the inmate.

#### **Parole and Release**

If the inmate is to be paroled or released, consideration should be given to the following:

- Violence potential outside a controlled setting in the past is considered to have been less than average, average, or greater than average and at present, is estimated to be decreased, increased, or the same. In this context, violence potential is equated with inflicting physical harm on others or great emotional harm, as by creating fear. Average violence potential is interpreted to mean the violence potential possessed by the average inmate.
- Conditions of parole should include inpatient treatment, outpatient clinic, halfway house, no alcohol or other special attention/supervision needs as indicated.
- If outpatient clinic is recommended, indicate if:
- Mandatory for parole from institution.
- Necessary as soon as possible after parole.
- Merely desirable if available.

Inmates convicted of PC 273A, Willful Cruelty Toward Child/Endangering Life, Limb or Health and PC 273D, Inflicting Corporal Punishment Upon Child Resulting in Traumatic Injury, shall have a psychiatric evaluation to determine the extent of counseling which may be mandated as a condition of parole per PC 3002.

Applicable cases shall be referred for an evaluation in sufficient time to enable the report to be completed and included with the Release Program Study (CDC Form 611), which is referred to the Division of Adult Parole Operations.

Drug therapy should be continued while the inmate is on parole. They should receive (name drug), in a dosage (amount), (number) times a day.

Recommendations to the classification committee (prior to release):

- Indicate what the Post Board Classification Committee should do with the inmate if the inmate is denied parole.
- If a parole date is set, indicate any recommendation(s) pertinent to the period remaining in the institution before parole such as:



- A further psychiatric evaluation should be completed just prior to release.
- Indicate the reasoning for all recommendations.

#### **62090.14 Preparation of Clinical Reports by Counselors**

There may be occasions when large numbers of psychiatric referrals and limited psychiatric staff may require that qualified CC-IIIs prepare clinical reports, in lieu of psychiatric evaluations, for selected cases and under supervision of a Board certified psychiatrist or licensed psychologist.

The format for psychiatric evaluations shall be used by the counselor except the title of these reports shall be changed to "clinical evaluation." Those areas of the format that call for psychiatric diagnosis and psychiatric conclusions shall be changed to indicate personality description and conclusion(s).

Counselors shall not prepare nor sign as its originator any report/evaluation that implies by its title or description that it was prepared by a psychiatrist or psychologist.

A psychiatrist/psychologist shall not sign as their own report, a report bearing a psychiatric title or description which was prepared by a counselor, without having personally interviewed the inmate.

#### **62090.14.1 Procedures**

PC 5068 sets forth the basis for the above directives. To this end, the following procedures are established:

- When existing staff or consulting psychologists or psychiatrists can adequately handle the evaluation workload, counselors shall not prepare clinical evaluations in lieu of the psychiatric evaluations.
- Counselors who are to prepare clinical evaluations shall be selected on the basis of their:
- Special interest in this type of work.
- Having two years of graduate training and experience in the treatment or evaluation of emotionally disturbed individuals. If the two years of training is primarily academic, supervised field work is highly desired.
- Where appropriate, a psychiatric council shall be established to review such evaluations prepared by counselors.
- The council shall be composed of the institution's chief or program psychiatrist/consulting psychiatrist (chairperson), a clinical psychologist, a captain or CC-III and the counselor who prepared the evaluation.
- Custodial personnel who are familiar with the inmate's behavior and attitude may also be included on the council.
- The psychiatric council has final responsibility for the accuracy and quality of the report.
- If the report is accepted, it shall list the names of the council and be signed by the council's psychiatrist.

#### **Supplemental Findings**

- If the council determines there are supplemental findings or recommendations, they shall be added below the counselor's signature and endorsed by the council, as above.
- If there is a difference in the findings of the counselor and the council, the council shall set forth the reasons for their difference of opinion before endorsing the counselor's report.
- The report shall retain the clinical evaluation title unless the psychiatrist personally interviews the inmate.
- After the inmate has been interviewed, the report may be retitled a psychiatric evaluation and signed by the psychiatrist or psychologist.
- The council shall make every effort to interview the inmate when the report is reviewed. Every effort shall be made to maximize the number of inmate interviews to ensure these evaluations reflect the observations of our most highly trained professional personnel.
- Graduate students working towards a doctorate degree in psychology and CC-IIIs who are working towards becoming qualified to prepare clinical evaluations for the Board, may prepare such reports under the direct supervision of a licensed staff psychologist or a Board certified psychiatrist.
- Evaluations prepared by students and trainees shall be signed by the student/trainee.
- The evaluation shall be approved and endorsed by a staff psychologist, psychiatrist, or the psychiatric council.

#### **62090.15 Revisions**

The Deputy Director, Division of Adult Institutions, or designee shall ensure that the content of this Article is current.

#### **62090.16 References**

PC §§ 3040, 3041, 5058, 5068, and 1168(b).  
CCR (15) (2).

### **ARTICLE 14 — RESERVED**

### **ARTICLE 15 — CORRECTIONAL INSTITUTION DESCRIPTION**

*Revised October 20, 1999*

#### **62110.1 Policy**

It is the primary mission of each institution to provide secure housing and supervision for inmates committed to the Department.

#### **62110.2 Purpose**

The purpose of this section is to describe the security, custody, academic, vocational, industrial, and other programs at each institution for the placement of inmates.

#### **62110.3 Responsibility**

Each Warden, or their designee shall update the institution's description annually.

*Note:* See Appendix for institution's descriptions.

### **ARTICLE 16 — RESERVED**

### **ARTICLE 17 — SEXUALLY VIOLENT PREDATORS**

*Effective November 5, 1999*

#### **62130.1 Policy**

In accordance with W&IC 6600 et seq., the CDC provides a systematic method in the identification, screening, referral, and tracking of potential Sexually Violent Predators (SVP).

#### **62130.2 Purpose**

The purpose of the SVP law is to provide an additional level of protection to the community from individuals who, based on their social, criminal, and institutional history, are deemed dangerous and predisposed to engage in sexually violent predatory behavior, if released from prison without treatment.

#### **62130.3 Sexually Violent Predator (SVP)**

The SVP includes the following elements:

- Is in custody under the jurisdiction of the CDC.
- Received a determinate sentence.
- Convicted of a sexually violent offense against two or more victims.
- Has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.
- Receives a civil commitment to the State Department of Mental Health (DMH).

The SVP qualifying offenses are identified in W&IC 6600, and DOM 62130.8.

#### **62130.4 Classification Services Unit Role**

The CSU shall ensure departmental coordination, compliance, and standardization of SVP processes. The CSU performs the following tasks:

- Resolves conflicts.
- Raises concerns for resolution.
- Prepares legislative reviews.
- Provides a computer listing of inmates and parolees in revoked status to each Warden and C&PR/CC III, at least nine months prior to the scheduled release dates. (This list is generated from the Offender Based Information System of inmates subject to registration as sex offenders pursuant to PC Section 290 list.)
- Maintains SVP database, records, and statistics.
- Forwards cases meeting SVP criteria to DMH for further processing. (For cases where a conclusive determination cannot be made based upon a review of the current C-file and archive file documents, see the "BPT" section below.)

- Forwards a copy of DMH or BPT “No” result upon receipt, for placement in the inmate’s central file.
- Coordinates the issuance of State identification cards for DMH Evaluators conducting SVP clinical evaluations.
- Generates teletypes for SVP transfers to Atascadero State Hospital (ASH) or Patton State Hospital (PSH) upon request from the SVP Coordinator at either CMC-E or CIW.
- Provides formal training to CDC staff.
- Serves as the CDC liaison to the following:
  - BPT.
  - The CSU refers cases to BPT in which a final determination cannot be made based upon available information. These are commonly referred to as “MAYBE” cases and consist of any SVP package that does not contain complete and sufficient documentation necessary to address the SVP statutory commitment criteria. Typically, “MAYBE” cases will involve out-of-state and out-of-country sex offense convictions; California convictions of SVP offenses for which supporting documentation is missing or incomplete; juvenile adjudications for SVP under certain circumstances; mentally disordered sex offender commitments to DMH; military and federal convictions for any sex offenses, etc. The BPT shall make the determination whether sex offense convictions outside of California contain the same elements as the qualifying SVP offenses listed in the W&IC. The BPT, upon resolution, shall refer the case back to CDC for further processing.
  - The BPT may conduct Probable Cause Hearings, which may result in the placement of a 45-day hold for completion of the DMH process.
  - After release from CDC, the BPT may conduct Revocation Hearing proceedings for SVP precommitments/commitments who are involved in serious revocable misconduct.
  - DMH.
  - The DMH conducts clinical evaluations of potential SVPs to determine if the inmate has a diagnosed mental disorder which makes the inmate a danger to the health and safety of others, in that it is likely that he or she will engage in sexually violent criminal behavior.
  - The DMH refers individuals meeting SVP criteria to the inmate’s county of commitment with a request for petition for a civil commitment.
  - The DMH clinicians shall provide SVP treatment at CDC to individuals who had been placed at ASH or PSH for SVP processes and who subsequently return to CDC as a result of serious misconduct.
  - P&CSD, SVP Parole Coordinator.
  - Regional Parole Agent IIs conduct SVP screening of parolees arrested and charged with violation of parole.
  - C&PRs.
  - See subsection following.

#### **62130.5 Classification and Parole Representative or Correctional Counselor III at Reception Centers**

The C&PR or CC III, at a reception center, is responsible for establishing a tracking system to ensure inmates who have been convicted of a PC 290 offense are screened at least nine months prior to release pursuant to W&IC 6600 et seq. The C&PR/CC III is also responsible for:

- Ensuring CCs and designated Correctional Case Records staff have received training in the SVP screening processes.
- Ensuring the Automated Release Date Tracking System is used at least bimonthly to identify PC 290 cases that require screening.
- Reviewing and signing the completed CDC Form 7377, Sexually Violent Predator Screening, ensuring the veracity of the information provided and that all supporting documentation is attached.
- Ensuring “sex related” reports and documents are requested from appropriate agencies and departments upon receipt of an inmate from the reception center for purposes of determining “R” suffix designation.
- Ensuring additional information is requested from the Archives Unit for “MAYBE” cases.

- Ensuring inmates with less than six months to release shall be processed within 24 hours of discovery to CSU prior to review of archive documents unless the documents are in the central file.
- Ensuring attachments of supporting documents are pertinent to the SVP qualifying offense.
- Ensuring CSU is advised via facsimile of release date changes for “YES” and “MAYBE” cases within 24 hours of the date change.
- Ensuring CSU is advised via facsimile of transfers of “YES” or “MAYBE” cases within 24 hours of completed transfer.
- Ensuring CSU is advised via facsimile of inmates who are out to court (OTC) for SVP proceedings within 24 hours of departure.
- Notifying CSU and the receiving institution of the need for an SVP screening when an inmate who appears on the monthly download has transferred prior to the receipt of the monthly list from CSU.
- Completing and attaching a CDC Form 1884, Justification Referral Sheet, to the CDC Form 7377, if less than six months are remaining to the scheduled release date.
- Ensuring the completed CDC Form 7377 and SVP supporting documentation subsequently received are filed on a drop board under the fingerprint card in the legal section of the central file.
- Notifying CSU upon the placement of a BPT Temporary Hold and again upon the SVP Probable Cause Hearing results.
- Arranging for DMH evaluators to have access to specified central and medical files. Identify an appropriate location to conduct the file review and to conduct the clinical evaluation of an inmate.
- Approving review of an inmate’s confidential information by a DMH clinician, if that information is germane to the SVP evaluation. Direct DMH evaluators to limit the use of the information so as not to disclose in any later written report, information that is specifically derived from a confidential document. Require a court order to provide a copy of a confidential document.
- Coordinating with the Transportation Unit and CMC-E, the transfer to ASH via CMC of inmates based on the following determinations:
  - Good cause found by BPT.
  - Court order for housing at ASH.

Note: Transportation of inmates to ASH shall be expedited in compliance with a court order or BPT determination.

- Providing CMC-E information necessary for receipt of an inmate transferring to ASH via CMC-E.
  - Note: Women SVPs shall be transported to PSH via the CIW.
- Providing updated PC 3058.6 and 3058.8 notifications to law enforcement agencies and requesting individuals, respectively. Ensuring that the following has been completed:
  - Contact the individual requesting notification pursuant to PC 3058.8 by telephone or other communication the next working day upon release of the inmate if a county, district attorney, court, DMH, or other agency assumes custody of the inmate, if other than originally noticed. The information should include:
  - The receiving agency’s name.
  - The agency contact person’s name and telephone number, if known, to assist the victim/witness, etc. further.
  - Document the date, time, and staff name of the person providing updated information to the PC 3058.8 requesting individual on the CDC Form 863-A, Confidential Notice of Release. Recommended statement to be included on the CDC Form 863-A, “Requestor notified on date of release to agency.”

- Forwarding the central file to CMC-E or CIW, respectively, regarding an inmate who has reached his/her scheduled release date and is released to another’s custody pursuant to W&IC 6600 et seq.

CMC-E’s C&PR shall arrange transportation of parolees from ASH to CMC for Revocation Hearing proceedings.

#### **62130.6 Time Constraints**

In the interest of public safety, staff shall adhere to the following time frames:

- Cases shall be screened nine months prior to the scheduled release date, unless inmate is received with less than nine months to release.

If the case is identified with less than nine months remaining to release, the following action shall be taken:

- Cases identified within 30 days of release must be telephoned into CSU with a follow-up facsimile within 24 hours of discovery.
- Cases identified within six months of release must be immediately prepared and sent via overnight mail to CSU for receipt within five working days.
- Cases identified within six to nine months to release should be submitted within 30 days.

A CDC Form 7377 submitted with less than six months remaining to release shall require the following additional attachments:

- A CDC Form 1884.
- A copy of the inmate's CDC Form 112.
- A copy of the judicial action or administrative action that modified the inmate's release date, if applicable.

#### **62130.7 CDC Form 7377**

The completion of the CDC Form 7377 shall not be delegated to a staff member below the level of CC I. The CDC Form 7377 must be prepared neatly, legibly, and accurately.

Detailed instructions for completing the CDC Form 7377 are located on the reverse of the document. Designated staff shall be accountable for accuracy and completed staff work.

The CDC Form 7377 reflects the case review and completion of the form includes, but is not limited to, the following:

- Inmate's name and CDC number.
- Criminal Identification and Information (CI&I) number.
- County of controlling case [listed on the Legal Status Summary (LSS)].
- Type of release/release date.
- Controlling discharge date.
- Selection of one SVP determination.
- Reference documents include: the Abstract of Judgment (AOJ), Felony Information/Complaint, etc.
- Comments on the CDC Form 7377 if any potential reference documents are not available for review.
- The screener's name and date printed legibly.
- "YES" and "MAYBE" determinations require the submission of the CDC Form 7377 and copies of all SVP qualifying supportive documentation, to include:
  - LSS.
  - Institutional Staff Recommendation Summary.
  - Probation Officer's Report (POR).
  - AOJ.
  - Felony Information/Complaint.
  - CI&I.
  - Federal Bureau of Investigation printout.
  - Archive files (sex related).
  - Sex related CDC Form 115s (including disciplinary violations from prior terms).
  - Parole violation charge(s), if charge includes an element of illegal sexual conduct (including prior sex related parole violations).
  - Parole violation(s) and conviction(s) for failure to register pursuant to PC 290.
  - The most recent CDC Form 128-G, Classification Chrono, noting the inmate's classification score and degree of custody.
- Previously processed "YES" cases, also known as "RECYCLED," require a new CDC Form 7377 and a copy of the inmate's parole violation charge(s) to be submitted to CSU.
- "NO" determinations require only a current completed CDC Form 7377 be submitted to CSU.
- CDC Form 7377 distribution:
  - Original to CSU SVP Coordinator.
  - Copy placed in central file.
- Copy to inmate upon request.

#### **62130.8 SVP Penal Code, Statutory Law Qualifying Offenses, And Victim Criteria**

The following statutory criteria are SVP qualifying offenses. Qualifying offenses include, but are not limited to, the following:

- PC 261(a)(2). Rape by Force, Violence, Duress, Menace or Fear of Injury.
- Note: A defined "Rape by Threat" conviction regardless of the PC Section is an SVP qualifying offense.
- PC 262(a)(1). Rape of Spouse by Force, Violence, Duress, Menace, Fear, etc.
- PC 264.1. Rape or Penetration of Genital or Anal Openings by Foreign Object in Concert by Force or Violence.
- PC 286. Sodomy (all subdivisions).
- PC 288(a). Lewd or Lascivious Acts with a Child Under 14.
- PC 288(b). Lewd Acts with a Child Under 14 by Force, Violence, Duress, Menace or Fear of Injury.
- PC 288a. Oral Copulation (all Subdivisions).
- PC 289(a). Penetration of Genital or Anal Openings by Foreign Object by Force, Violence, Duress, Menace or Fear of Injury.
- Convictions prior to July 1, 1977 for an offense described in any of the previously delineated PC sections (even if the PC section is different, i.e., Rape by Threat).
- Conviction(s) (sex related or not) (misdemeanor or felony) resulting in a Mentally Disordered Sex Offender designation, including dispositions resulting in State hospital placement, mental health treatment, credit for time served, county jail, probation, unknown disposition, etc.
- Not Guilty by Reason of Insanity findings that involved a qualifying offense.
- Qualifying convictions dismissed, expunged or voided due to receipt of a Certificate of Rehabilitation pursuant to PC 1203.4.
- Out-of-state and out-of-country conviction(s) of any sex offenses.
- Conviction(s) by a military or federal court of any sex offenses.
- PC qualifying offenses regardless of the degree of force, violence, duress, menace, or fear of injury indicated within the POR or court documents.

Victimization criteria: Convicted count(s) involving at least two different victims, other than biological children of the inmate.

#### **62130.9 Institution's Health Care Manager**

The HCM or designee shall complete the required admission information prior to the inmate going OTC for SVP civil commitment proceedings. A copy of this medical admission information form is to be faxed to:

- ASH Transfer Coordinator, at (805) 468-2143.
- PSH (women) Community Forensic Liaison, at (909) 425-0160.

#### **62130.10 California Men's Colony SVP Coordinator**

Upon the arrival of transferring inmates enroute to ASH, the CMC-E SVP Coordinator shall be responsible for:

- Reviewing the confidential section of the central file to ensure that the sending institution documented a subsequent contact with the PC 3058.6 and/or 3058.8 Law Enforcement agency and/or requesting individual(s), respectively, when the inmate/parolee was released to another custody than originally noticed.
- Contacting CSU SVP Coordinator, CC II, at (916) 322-2544 to request a teletype to receive an SVP enroute to ASH or PSH.
- Arranging transport from CMC to ASH.

#### **62130.11 Central File Custody During SVP Processes**

The central file of an inmate who is OTC for SVP processes is subject to standard OTC procedures. Upon the inmate reaching his/her release date, the C&PR shall ensure the central file is forwarded to CMC or CIW, respectively, for custodial care.

#### **62130.12 SVP Release Allowances And Personal Funds**

The paroling institution is responsible for preparing the CDC Form 102, Release Statement, upon the release of an inmate, who has been convicted as an SVP pursuant to W&IC 6604, to ASH via CMC. The paroling institution shall prepare a check for the amount of personal funds reflected on the CDC Form 102 and forward the check and original CDC Form 102 to ASH, Attention: Patients Accounts. The CDC Form 102 shall record the following information:

- The individual was not given the release allowance at the time of parole due to transfer to ASH pursuant to W&IC 6604. Upon release from ASH, the parolee shall be issued the release allowance.
- No deduction for clothing. (Clothing will be provided by DMH.)

- No deduction for transportation costs. (Upon release, the parolee will pay for transportation costs from issued release allowance.)
- The amount of personal funds due and state that the personal funds were forwarded to ASH, Attention: Patients Account.
- The date the individual will leave the paroling institution and the scheduled arrival date at ASH.

In the event an inmate reached his/her parole date while out to court for SVP proceedings and was subsequently transported directly to ASH via the prosecuting county, the P&CSD Agent of Record shall coordinate the receipt of release allowances upon the parolee's release from ASH. If the inmate's controlling discharge date has expired, upon release from ASH, he/she may report to the previously designated Parole Office to request release funds pursuant to DOM 81010 in accordance with PC 2713 and 2713.1

#### **62130.13 Personal Property**

Each institution will process and store the personal property of inmates who are OTC for SVP proceedings in accordance with current procedures.

The personal property of inmates who reach their scheduled release date while OTC for SVP proceedings shall be sent directly to ASH by the inmate's previous institution.

Personal property should be transferred with the inmate when the transfer is within CDC institutions, in accordance with current procedures.

Prior to transfer, the sending institution will ensure the inmate disposes of any unauthorized property in accordance with California Code of Regulations Sections 3190(c) and 3191(c)(1), (2), and (3). The following property is not allowed at ASH and shall be disposed of prior to the inmate's transfer to ASH:

- Razor blades or disposable razors.
- Any item which is corrosive, flammable or explosive.
- All cigarette lighters.
- All products in aerosol containers.
- Radios and/or cassette players equipped with an external telescopic antenna, or that operate by an external electrical power cord, or require a D cell battery or larger.
- Headphones with a metal headband and/or a cord greater than four feet in length.
- Television sets other than solid state LCD three-inch diagonal screen televisions with mirror attached.
- Any electrical appliance which requires a cord to operate.
- Chewing gum, fruits or perishable foods of any type.
- Personal mirrors, including hand mirrors.
- All food products in glass containers, unless factory sealed.
- All caffeinated beverages.

#### **62130.14 Revisions**

The Deputy Director, Institutions Division, or designee, shall ensure that the contents of this section are accurate and current.

#### **62130.15 References**

CCR (15)(3) §§ 3190 and 3191.

PC §§ 261, 262, 264.1, 286, 288, 288a, 289, 290, 1203.4, 3058.6, and 3058.8.

W&IC § 6600 et seq.